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Washington, Wednesday, April 11, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

OFFICE OF PRICE STABILIZATION

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of § 6.155 (b) is amended to read as follows:

§ 6.155 *Economic Stabilization Agency.*

* * *

(b) *Office of Price Stabilization.* (1) Two private secretaries or confidential assistants to the Director of Price Stabilization.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-4266; Filed, Apr. 10, 1951; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP HAY AND PASTURE SEED RESEAL LOAN PROGRAM

This bulletin states the requirements with respect to a program (hereinafter referred to as the Hay and Pasture Seed Reseal Loan Program) to extend loans on 1950-crop hay and pasture seed in farm-storage and to make farm-storage loans available on 1950-crop hay and pasture seed covered by purchase agreements. The program has been formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) as part of the 1950-Crop Hay and Pasture Seed Price Support Program (15 F. R. 4613). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.
601.235 Applicable sections of 1950 CCC Grain Price Support Bulletin 1 and Supplement 1, Hay and Pasture Seed.
601.236 Availability.
601.237 Eligible producer.
601.238 Eligible seed.
601.239 Approved storage.
601.240 Approved forms.
601.241 Quantity eligible for resealing.
601.242 Additional service charges.
601.243 Transfer of producer's equity.
601.244 Storage.
601.245 Maturity and satisfaction.
601.246 Support rates.
601.247 PMA commodity offices.

AUTHORITY: §§ 601.235 to 601.247 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714, 7 U. S. C. Sup., 1447, 1421.

§ 601.235 *Applicable sections of 1950 CCC Grain Price Support Bulletin 1 and Supplement 1, Hay and Pasture Seed.* The following sections of the 1950 CCC Grain Price Support Bulletin 1 and Supplement 1, Hay and Pasture Seed, published in 15 F. R. 3147 and 15 F. R. 4613 shall be applicable to the 1950 Hay and Pasture Seed Reseal Loan Program: §§ 601.1 *Administration;* 601.5 *Approved lending agencies;* 601.8 *Liens;* 601.10 *Set-offs;* 601.11 *Interest rate;* 601.13 *Safeguarding the commodity;* 601.14 *Insurance of farm-storage loans;* 601.15 *Loss or damage to the commodity;* 601.16 *Personal liability of the producer for the commodity;* 601.17 *Release of the commodity under loan;* 601.19 *Removal of the commodity under loan;* 601.20 *Purchase of notes;* 601.225 *Determination of quantity;* 601.226 *Determination of quality;* 601.227 *Loss or damage to seed under farm-storage loan;* 601.230 *Schedule of basic specifications and rates;* 601.231 *Delivery of seed to CCC;* and 601.232 *Settlement.* Other sections of the 1950 Hay and Pasture Seed Price Support Program shall be applicable to the extent indicated in this part.

§ 601.236 *Availability*—(a) *Area.* The reseal program will be available in all areas where farm-storage loans were available under the 1950 Hay and Pasture Seed Price Support Program.

(Continued on p. 3153)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Under this program, 1950-crop farm-storage loans will be extended and farm-storage loans will be made on 1950-crop hay and pasture seed covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers during the extended availability period.

(b) *Time.* The producer who desires to participate in the reseal program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to reseal his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee. The producer who has signed a purchase agreement on farm-stored seed shall, not later than April 30, 1951, notify the county committee if he intends to deliver the seed to CCC or convert his purchase agreement into a farm-storage loan. The producer who has notified the county committee of his intentions to deliver his farm-stored seed under a purchase agreement may obtain a farm-storage loan thereon by making application to the county committee at any time prior to the final date for delivery specified in the delivery instructions issued by the county committee.

(c) *Source.* A producer desiring to participate in the reseal program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on seed covered by purchase agreements shall be made to producers by PMA State offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 601.237 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity as defined in § 601.222 (e) of the 1950 Hay and Pasture Seed Price Support Program who produced the seed in 1950 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage hay and pasture seed of the 1950 crop.

§ 601.238 *Eligible seed.* To be eligible, the seed must have been produced in 1950, must be in farm storage, must never have been commingled with seed produced by others, must be under loan or covered by a purchase agreement, and must on the basis of official purity analysis reports and germination test certificates dated not more than five calendar months prior to the first day of the month in which the seed is tendered for reseal loan meet the conditions and specifications contained in §§ 601.226 and 601.230 of the 1950 Hay and Pasture Seed Price Support Program.

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the farm-storage structure in which the seed is stored. If the structure is found to be acceptable, arrangements shall be made to have the seed re-sampled and re-tested and proceed in the usual manner to determine the eligibility and quality of the seed prior to completion of the loan: *Provided, however,* That a new test need not be made if the quality of the seed tendered for a reseal loan is evidenced by official purity analyses and germination test certificates, dated not more than five calendar months prior to the first day of the month in which the seed is tendered for reseal loan, which indicate that the seed meets the eligibility requirements.

(b) *Farm-storage seed covered by purchase agreement.* If a producer makes application for a farm-storage loan on seed covered by a purchase agreement, the county committee shall request the loan supervisor to check the condition of the storage structure in which the seed is stored. Where the structure is found to be acceptable, an official purity analysis and germination test certificate dated not more than five calendar months prior to the first day of the month in which the seed is tendered for loan evidencing the quality of the seed to be placed under loan must be presented to the county committee prior to the completion of the reseal loan.

§ 601.239 *Approved storage.* Seed covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in the 1950 Hay and Pasture Seed Price Support Program. Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1952 (November 30, 1952, in the case of Buffalo grass seed), if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1952 (November 20, 1952, in the case of Buffalo grass seed).

§ 601.240 *Approved forms.* The approved forms, which together with the provisions of the bulletin govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

§ 601.241 *Quantity eligible for resealing.* The quantity of seed eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

A producer may obtain a loan on not in excess of the quantity of seed specified in the purchase agreement, minus any quantity of the seed under such purchase agreement (a) which has been previously converted to a loan or (b) on which he exercises his option to sell to CCC.

§ 601.242 *Additional service charges.* When a farm-storage loan is extended, the producer will not be required to pay any additional service charge.

At the time a farm-storage loan is made to the producer on seed covered by a purchase agreement, the producer shall pay an additional service charge of one cent per hundred pounds or fraction thereof on the number of hundred pounds placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 601.243 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the seed under loan or his remaining interest may be restricted by CCC.

§ 601.244 *Storage.* A producer who participates in the reseal program and in accordance with instructions of the county committee, delivers the seed to CCC on or after April 30, 1952 (September 30, 1952, in the case of Buffalo grass seed) or prior to April 30, 1952 (September 30, 1952, in the case of Buffalo grass seed) pursuant to the demand by the President, CCC, for repayment of the loan, provided such demand for repayment is not due to any fraudulent representations on the part of the producer or the fact that the seed was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer,

will receive a storage payment, computed in accordance with section 14 and the applicable schedule of storage rates (not including the labeling and loading out charge) specified in the Seed Storage Agreement (CCC Form 22) for the period beginning July 1, 1951 (December 1, 1951, in the case of Buffalo grass seed) and ending on the date delivery is accomplished or the final date for delivery as specified in the delivery instructions issued to the producer by the county committee, whichever is earlier, on the quantity delivered under the reseal program.

Such storage payment will also be made in cases where the seed is delivered to CCC prior to April 30, 1952 (September 30, 1952, in the case of Buffalo grass seed) upon request by the producer and with the approval of CCC, and in the case of loss assumed by CCC under the reseal loan program.

§ 601.245 *Maturity and satisfaction.* Loans will mature on demand but not later than April 30, 1952 (September 30, 1952, in the case of Buffalo grass seed). The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged seed in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value for the total quantity delivered. The provisions in § 601.232 of 1950 CCC Grain Price Support Program Bulletin 1, Supplement 1, Hay and Pasture Seed, will be applicable in determining the settlement value of seed delivered to CCC under a reseal loan.

If the settlement value of the seed delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the PMA State office.

If the settlement value of the seed delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC or may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

In the event the farm is sold or there is a change of tenancy, the seed may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 601.246 *Support rates.* The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for seed covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the seed in § 601.230 of 1950 CCC Grain Price Support Program Bulletin 1, Supplement 1, Hay and Pasture Seed, and any amendments thereto.

Any discounts established for variation in quality as shown in the 1950 Hay and Pasture Seed Price Support Program Bulletin shall apply.

§ 601.247 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Atlanta 5, Ga., 50 Seventh Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 3, Minn., Gamble-Skogmo Building, 15 North Eighth Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 13, N. Y., 139 Centre Street: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 335 Fell Street: Arizona, California, Nevada, Utah.

Issued this 5th day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-4258; Filed, Apr. 10, 1951; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 532—PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT PERSONNEL

ACTIVE DUTY PAY AND ALLOWANCE AND RETIREMENT PAY

A new Part 532 is added to Subchapter B, as set forth above, to include §§ 532.1 and 532.2 as follows:

Sec.
532.1 Active duty pay and allowances.
532.2 Retired and retirement pay.

AUTHORITY: §§ 532.1 and 532.2 issued under sec. 3, Pub. Law 569, 81st Cong.

SOURCE: § 532.1 contained in SR 35-1315-1, Mar. 9, 1951, and § 532.2 contained in AR 35-1360, Mar. 7, 1951, and SR 35-1360-1, Mar. 9, 1951.

§ 532.1 *Active duty pay and allowances*—(a) *General.* This section sets forth the operating procedures for making payment of active duty pay and allowances, or any amounts otherwise payable (including mustering-out payments, travel pay, clothing allowance, deposits, etc.), except retired pay, for the use and benefit of any member of the Army who is mentally incompetent.

(b) *Authority to designate person to receive payments as trustee.* The Commanding General, Army Finance Center, is authorized to designate a person or persons to receive funds due mentally incompetent members of the Army, without the necessity for appointment in judicial proceedings of a committee, guardian, or other legal representative. Any payments to the person or persons so designated trustee shall constitute a complete discharge of the obligation of the United States as to amounts so paid. Where a legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction, no other fiduciary or representative to receive payment shall be designated.

(c) *Persons who may be designated trustee.* The Commanding General, Army Finance Center, may designate any of the following in the order of preference indicated in the following subparagraphs:

(1) The lawful wife or husband, as appropriate.

(2) If there is no wife or husband, a legitimate son or daughter or legally adopted son or daughter, provided such person is 21 years or more of age.

(3) If there is no son, daughter, or legally adopted son or daughter, a parent of the member.

(4) If there is no parent, the head of an institution, or person designated by him, if the member is committed to the care of an institution.

(5) Any person or persons may be designated without regard to those listed above if deemed to be in the best interests of the mentally incompetent member.

(d) *Application for payment.* A written application to the Commanding General, Army Finance Center, requesting payment of amounts due a member who is mentally incompetent will be made by the individual who believes he should be designated to receive payments on behalf of the member who is mentally incompetent. Such application will be signed by the requesting individual and will contain the following information:

(1) Name, grade, service number, service assignment, and present address of member declared mentally incompetent.

(2) Name, address, and relationship to member declared mentally incompetent, if any relationship, of person who believes he should be designated to receive payments on behalf of the person who is mentally incompetent. (Evidence of relationship may be submitted with application, if desired, but is not necessary as the Commanding General, Army Finance Center, will request any specific evidence required.)

(3) Statement as to whether or not a legal guardian has been or is to be appointed in the near future.

(4) Statement as to past and anticipated future financial relationship with the member who is mentally incompetent.

(e) *Bond required for trustee.* In cases where the payments may be reasonably expected to exceed $1,000, the person designated to receive amounts due a member who is mentally incompetent will be required to furnish a bond in the amount of $1,000; the premium of which may be paid from the amount due the incompetent. The bond will be in the form designated by the Chief of Finance and will be submitted in original only. Bonds will be obtained and processed by the Commanding General, Army Finance Center.

(f) *Fee, commission, or charge.* No person serving in a legal, medical, or fiduciary capacity, or in any other capacity, shall demand or accept any fee, commission, or charge for any services rendered in the administration of the act of June 21, 1950 (64 Stat. 249; 37 U. S. C. 351–354), or of this section, except for the bonding fee mentioned in paragraph (e) of this section.

(g) *Trustee's report of expenditures.* Any person or persons designated by the Commanding General, Army Finance Center, to receive amounts due a member who is mentally incompetent must furnish reasonable assurances to the Commanding General, Army Finance Center, that the amounts received have been and will be applied to the use and benefit of the mental incompetent. This assurance will take the form of an affidavit by the designated trustee, which affidavit will include a listing of the expenditures made and expenditures to be made from the amounts received. Such reports will be submitted periodically as required by the Commanding General, Army Finance Center. The final report will be submitted upon termination of trusteeship or upon expenditure of all amounts received. No trustee will be released from his trust, and no bond, if required by paragraph (e) of this section will be terminated until such final report is received and approved as correct. The propriety of all expenditures will be determined by the Commanding General, Army Finance Center.

(h) *Termination of payments to trustee.* Payments of amounts due mentally incompetent members to trustees shall cease upon the occurrence of any of the following:

(1) Completion of payment of all amounts due.

(2) Death of incompetent.

(3) Death or disability of the trustee.

(4) Receipt of notice that a committee, guardian, or other legal representative has been appointed for the mental incompetent by a court of competent jurisdiction.

(5) Failure of the trustee to render the reports required by paragraph (g) of this section.

(6) Whenever there is probable cause to believe that there is improper use of the moneys received on behalf of the mental incompetent.

(7) A finding by a board of medical officers that the heretofore mental incompetent is mentally capable of managing his own affairs.

(8) Whenever the Commanding General, Army Finance Center, deems it advisable.

(i) *Initiation or modification of allotments.* During the period preceding a determination of mental incompetence and before payment may be made to a legal representative or to a person designated in accordance with this section, financial circumstances of qualified dependents will be considered. In order to alleviate financial hardship, allotments may be initiated or modified under pertinent special regulations.

(j) *Comfort items while in hospital.* When it has been determined by the commanding officer of any service hospital that a member has been or is in process of being declared mentally incompetent, such commanding officer may designate an officer under his command to receive and receipt for a sum of money not to exceed $10 per month for the purchase of comfort items from the local Army exchange for the use and benefit of the alleged mental incompetent. The alleged mental incompetent must have no other funds available for such use. His condition must be such that he is able to utilize the items purchased, desires such items, and they are beneficial to his comfort and well being.

(k) *Payments.* Amounts known to be due a mentally incompetent member prior to or at date of separation or retirement, on account of active duty pay and allowances (including mustering-out pay, travel pay, clothing allowance, deposits, etc.), or any amounts due for accumulated or accrued leave, will be paid to the designated payee by the Commanding General, Army Finance Center. Amounts due mentally incompetent former members for active duty pay and allowances found to be due after separation will be processed by the General Accounting Office for settlement.

§ 532.2 *Retired and retirement pay—*(a) *General.* This section sets forth the operating procedures under which payment of retired pay may be made to designated trustees on behalf of mentally incompetent retired members.

(b) *Designation of person or persons to receive payments as trustee.* The Finance Officer, Washington Finance Office, U. S. Army, is authorized to designate a person or persons to receive funds due mentally incompetent retired members without the necessity for appointment in judicial proceedings of a committee, guardian, or other legal representative. Any payments to the person or persons so designated trustee shall constitute a complete discharge of the obligation of the United States as to amounts so paid. Where a legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction, no other fiduciary or representative to receive payment shall be designated.

(c) *Persons who may be designated trustees.* The Finance Officer, Washington Finance Office, U. S. Army, may designate as trustee any of the following in the order of preference indicated in the following subparagraphs:

(1) The lawful wife or husband, as appropriate.

(2) If there is no wife or husband, a legitimate son or daughter or legally adopted son or daughter, provided such person is 21 years or more of age.

(3) If there is no son, daughter, legally adopted son or daughter, a parent of the member.

(4) If there is no parent, the head of an institution, or person designated by him, if the member is committed to the care of an institution.

(5) Any person or persons other than listed in subparagraphs (1) through (4) of this paragraph may be designated if deemed to be in the best interests of the mentally incompetent member.

(d) *Application for designation as trustee.* A written application requesting payment of amounts due a member who is mentally incompetent will be made by the individual who believes he should be designated to receive payments as trustee on behalf of the alleged mental incompetent. Such application will be in letter form addressed to the Finance Officer, Washington Finance Office, U. S. Army, Washington 25, D. C.; will be signed by the requesting individual; and will contain the following information:

(1) Name, grade, service number, service assignment, and present address of member declared mentally incompent.

(2) Name, address, and relationship to member declared mentally incompetent, if any relationship, of person who believes he should be designated as trustee to receive payments on behalf of the person who is mentally incompetent. (Evidence of relationship may be submitted with application, if desired, but is not necessary as the Finance Officer, Washington Finance Office, U. S. Army, will request any specific evidence required.)

(3) A statement as to whether or not a legal guardian has been or is to be appointed in the near future.

(4) A statement as to past and anticipated future financial relationship with the member who is mentally incompetent.

(e) *Bond required for trustee.* In any case wherein the payments may be reasonably expected to exceed $1,000, as determined by the Finance Officer, Washington Finance Office, U. S. Army, a suitable bond as prescribed by the Chief of Finance, shall be provided by the designated trustee. The cost of such bond shall be paid for out of sums due the mental incompetent.

(f) *Fee, commission or charge.* No person serving in a legal, medical, or fiduciary capacity, or in any other capacity, shall demand or accept any fee, commission, or charge for any services rendered in the administration of the act of June 21, 1950 (64 Stat. 249; 37 U. S. C. 351–354), or of this section, except for the bonding fee mentioned in paragraph (e) of this section.

(g) *Assurance that payments are for benefit of mental incompetent.* The designated trustee will be required to furnish the Finance Officer, Washington Finance Office, U. S. Army, a satisfactory assurance, at least once a year, that amounts received have been and will be applied to the use and benefit of the mental incompetent. If the Finance Officer, Washington Finance Office, U. S. Army, deems it necessary to request more frequent accounting he may do so; or if he should deem it necessary to require field investigations, he may request such investigation from the Veterans Administration or any other public or private social agency which is willing and able to provide such investigation without cost. The Finance Officer, Washington Finance Office, U. S. Army, will prescribe the procedures and methods necessary to provide that satisfactory assurances are made by the designated trustee that amounts received have been and will be applied to the use and benefit of the mental incompetent. Should an examination of the reports submitted by the

trustee indicate that such amounts have not been properly applied to the use and benefit of the mental incompetent, the Finance Officer, Washington Finance Office, U. S. Army, will submit the complete reports to the Judge Advocate General, Washington 25, D. C., for any action that may be necessary. The Judge Advocate General will examine the reports and take such actions as may be required in the event of fraud or misappropriation.

(h) *Termination of payments to trustee.* Payments of amounts due mentally incompetent members to trustees shall cease upon the occurrence of any of the following:

(1) Death of the incompetent.

(2) Death or disability of the trustee.

(3) Receipt of notice that a committee, guardian, or other legal representative has been appointed for the mental incompetent by a court of competent jurisdiction.

(4) Failure of the trustee to render the reports required by paragraph (g) of this section.

(5) Whenever there is probable cause to believe that there is improper use of the moneys received on behalf of the mental incompetent.

(6) A finding by a board of medical officers that the heretofore mental incompetent is mentally capable of managing his own affairs.

(7) Whenever the Finance Officer, Washington Finance Office, U. S. Army, deems it to be advisable.

(i) *Payments.* Payment of retired pay to mentally incompetent Army members receiving retired pay when located in the continental United States, or in any place other than Panama, Puerto Rico, Hawaii, and the Philippine Islands, will be made by the Finance Officer, Washington Finance Office, U. S. Army, Washington 25, D. C. Where mentally incompetent members reside in Panama, Puerto Rico, Hawaii, and the Philippine Islands, payment will be made by the disbursing officer designated to make payments of retired pay in the area. No designation of person or persons to receive payments under this section will be made for or on behalf of mentally incompetent retired members residing outside the continental limits of the United States; payments to such members will be made only to a legal committee, guardian, or other legal representative appointed by a court of competent jurisdiction.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4265; Filed, Apr. 10, 1951; 8:47 a. m.]

Chapter XVI—Selective Service System

[Amdt. 19]

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

CATEGORIES AND QUALIFICATIONS OF STUDENTS

The Selective Service Regulations are hereby amended by adding the following new section to Part 1622, Classification Rules and Principles, immediately following § 1622.10:

§ 1622.10a *Categories and qualifications of students under § 1622.10 (b) (3).* A registrant's activity in study may be considered to be necessary to the maintenance of the national health, safety, or interest under the provisions of subparagraph (3) of paragraph (b) of § 1622.10 when any of the following conditions exist:

(a) The registrant has been accepted for admission to a graduate school for the class next commencing as a candidate for a graduate degree and in his last full-time undergraduate academic year at a college, university, or similar institution of learning had a scholastic standing which placed him in the upper one-half of the male members of that class or has attained a score of 75 or more on the qualification test prescribed by the Director of Selective Service pursuant to paragraph (c) of § 1622.10.

(b) The registrant has been pursuing a course of instruction which requires the completion of either five or six years of full-time undergraduate study to qualify him for the first academic degree and has successfully completed his fourth year or his fifth year, as the case may be, at a college, university, or similar institution of learning and had a scholastic standing in his last completed undergraduate year which placed him in the upper three-fourths of the male members of that class or has attained a score of 70 or more on the qualification test referred to in paragraph (a) of this section, and has been accepted for admission by a college, university, or similar institution of learning to the fifth-year or sixth-year class next commencing for a full-time course of instruction or has entered upon and is satisfactorily pursuing such course.

(c) The registrant has successfully completed his third year at a college, university, or similar institution of learning and had a scholastic standing in his third-year class which placed him in the upper three-fourths of the male members of that class or has attained a score of 70 or more on the qualification test referred to in paragraph (a) of this section, and has been accepted for admission by a college, university, or similar institution of learning to the fourth-year class next commencing for a full-time course of instruction or has entered upon and is satisfactorily pursuing such course.

(d) The registrant has successfully completed his second year at a college, university, or similar institution of learning and had a scholastic standing in his second-year class which placed him in the upper two-thirds of the male members of that class or has attained a score of 70 or more on the qualification test referred to in paragraph (a) of this section, and has been accepted for admission by a college, university, or similar institution of learning to the third-year class next commencing for a full-time course of instruction or has entered upon and is satisfactorily pursuing such course.

(e) The registrant has successfully completed his first year in a college, university, or similar institution of learning and had a scholastic standing in his first-year class which placed him in the upper one-half of the male members of that class or has attained a score of 70 or more on the qualification test referred to in paragraph (a) of this section, and has been accepted for admission by a college, university, or similar institution of learning to the second-year class next commencing for a full-time course of instruction or has entered upon and is satisfactorily pursuing such course.

(Sec. 10, 62 Stat. 618; 50 U. S. C. App., Sup., 460; E. O. 10230, March 31, 1951, 16 F. R. 2905)

This order shall become effective upon the filing thereof with the Division of the Federal Register, National Archives and Records Service, General Services Administration.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

APRIL 3, 1951.

Approved: April 5, 1951.

HARRY S. TRUMAN.

[F. R., Doc. 51-4264; Filed, Apr. 10, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 2, Amendment 1 to Revision 1]

CPR 2—CATTLEHIDES, KIPS AND CALFSKINS

CLARIFICATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 2, Revision 1 (16 F. R. 2492) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 2, Revision 1, makes certain corrections and clarifications of a minor nature in the text and in a note to one of the tables. Six clarifying words are added to the parenthetical statement at the end of section 6 (c) of the regulation. Section 7 (b) is divided into two subsections, and one word is changed for purposes of clarification. Note 4 to Table 1—Basic Prices Hides, is amended to describe more particularly the kind of hide referred to, and two inadvertent errors are corrected.

While these clarifications are minor, it is believed that they will serve to resolve any confusion that has arisen in regard to the meaning of certain portions of the revised regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 2, Revision 1 is amended in the following respect:

1. The parenthetical statement at the end of section 6 (c) is amended to read as follows: "(If, however, the total weight of bullhides or skins in a lot is less than the minimum required for top

ceiling prices they must, of course, be invoiced at the appropriate discounts. For example, bullhide lots of less than 20,000 pounds must be sold at 2 cents per pound less than the otherwise applicable ceiling price.)"

2. Section 7 (b) is amended to read as follows:

(b) *Reports.* (1) Every person making sales of hides, kips, calfskins or cut parts to a tanner, or through a tanner's agent or broker, must mail, simultaneously with the commencement of the shipment, to the regional office of the Office of Price Stabilization nearest the consignee tanner, a copy of each invoice or similar document delivered in connection with any such sale. This invoice or document must contain all relevant details of the transaction, including (i) the quantity and price of each type, classification and grade of hides, skins or parts sold, the number of pieces and the gross weight, and (ii) the tare and other allowances given or received, except that the number of pieces need not be reported on cut parts other than croupons, and the weight need not be reported on trimmed skins sold by the piece.

(2) If hides, skins or cut parts received by a tanner or by an agent or broker acting on his behalf differ in any material respect from the description thereof contained in the invoice or similar document delivered in connection with the purchase, the tanner, agent or broker must within 48 hours after inspection transmit to the nearest regional office of the Office of Price Stabilization a statement identifying the seller and the shipment, and setting forth such differences. Such hides, skins or cut parts must be held segregated from other inventory, for a period of at least 8 days from inspection, to permit inspection by the Office of Price Stabilization.

3. Note 4 to Table 1—Basic Prices (Hides) is amended to read as follows:

NOTE 4: *Pacific Coast hides.* Subtract 1½¢ per pound for hides weighing less than 68 pounds and for all bullhides. When Pacific Coast hides other than bullhides weigh 68 pounds or more the Pacific Coast hide price is 27½¢.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective April 14, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4347; Filed, Apr. 10, 1951; 10:31 a. m.]

[Ceiling Price Regulation 6, Amdt. 4]

CPR 6—FATS AND OILS

TALLOW COLOR PREMIUM

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment amplifies the specific ceilings for tallow established by section 12 of CPR 6 by permitting the premium to be paid by the buyer for prime and choice tallows when that tallow responds to refining and bleaching by taking on a more desirable color. The payment of a premium has been a normal practice in the soap industry and has encouraged the production and sale of tallows which will bleach to a color desirable to the buyer, irrespective of the original color of the grade purchased.

Although tallows may conform to the specifications shown in the table of section 12, especially with respect to the FAC (Fat Analysis Committee) color, i. e., standard and approved color, which is determined on the untreated and unbleached material when tested at the soaper's plant, they may not necessarily respond to the usual refining and bleaching operations of the soaper. If the tallows do not bleach up, no premium can be paid.

By permitting the payment of a premium only after the tallow has proved to respond to test, the danger of upgrading tallow, prior to test, is avoided.

This amendment also provides for two minor adjustments allowing the usual or normal premiums to apply when tallows and greases are shipped in less than carload quantity and allowing customary differentials to apply when edible tallow is sold in small size containers.

AMENDATORY PROVISIONS

Ceiling Price Regulation 6 is amended in the following respects:

1. In section 12 paragraphs (b), (c), and (d) are redesignated as (c), (d), and (e) respectively, and a new paragraph (b) is added to read as follows:

(b) When prime and choice tallows are sold as "bleachable" the ceiling prices specified for those grades shall apply: *Provided,* That premiums may be paid if the tallow, on the basis of a refining and bleaching test in accordance with the official American Oil Chemists' Society methods, performed by the buyer after receipt meets specifications as follows:

Grade	Lovibond color through a 5¼ inch column	Allowable premium cents per pound
Choice	2.0 Red	⅛
Prime	2.0 Red	¼
Prime	2.5 Red	⅛

2. In section 12, a new paragraph (f) is added to read as follows:

(f) When tallows and greases are shipped in less than carload lots, the usual or normal premium shall continue to apply.

3. In section 12 a new paragraph (g) is added to read as follows:

(g) When edible tallow shown in the table of this section is sold in smaller size containers than drums, barrels and tierces, your customary differentials shall apply.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall be effective April 12, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4350, Filed, Apr. 10, 1951; 10:32 a. m.]

[Ceiling Price Regulation 21]

CPR 21—COAL SOLD FOR DIRECT USE AS BUNKER FUEL

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 21 is hereby issued.

STATEMENT OF CONSIDERATIONS

The supplying of coal for use as bunker fuel is a specialized problem from the standpoint of coal marketing. While bunkering takes place at tidewater ports throughout the year, in the case of coal supplied to vessels on the Great Lakes, it is a seasonal occupation, being limited to the period of navigation on those lakes, generally being confined to the period beginning the middle of March and extending to the middle of December. Coal is supplied to the vessels from railroad car dumps, from lightering vessels and from docks.

Prices of bunker fuel represent the mine price plus transportation costs and handling charges. Because of the close relationship with mine prices, it is fair and reasonable to base ceiling prices for bunker fuel on the same twelve months period prior to the Korean outbreak as was found representative insofar as f. o. b. mine prices for the bituminous coal industry are concerned. Ceiling prices at the mine, one of the principal components of the bunker fuel price, have advanced pursuant to the authority of Ceiling Price Regulation No. 3 made effective on February 1, 1951. The effect of these prices is to shrink the gross margin of the supplier of bunker fuel because his prices heretofore have been subject to the general price freeze. Similarly, freight rates represent another principal component in the bunker fuel price. Increases in these transportation costs have to be absorbed by the supplier unless provision is made for them in addition to the bunker price. Since suppliers are not in a position to absorb such costs they are authorized to include increases in transportation costs that have taken place since the end of the base period to the effective date of this regulation, including freight rate additions of April 4, 1951.

In the case of bunker fuel supplies at tidewater ports, it is imperative that there must be no delay or interruption in servicing vessels carrying arms and supplies to our armed forces overseas or to vessels carrying supplies to those countries receiving economic and military aid from the United States. In the

case of bunker fuel supplies for vessels on the Great Lakes, it is vitally necessary that such fuel in ample quantity be available at the time of the opening of navigation so that there will be no delay in the movement of vessels to the head of the lakes for the transportation of iron ore to our steel plants and it is equally imperative that supplies be uninterrupted throughout the season of navigation in order that the requisite amounts of iron ore and other commodities may be transported over the Great Lakes system.

The establishment of ceiling prices on bunker fuel based on the highest price received by the supplier of bunker fuel during the base period (July 1, 1948, through June 30, 1949), generally places the bunker fuel supplier in the same relation to his suppliers as existed during that period because f. o. b. mine prices are frozen at the highest levels existing during the same base period. In keeping with the provisions of Ceiling Price Regulation No. 3, it is reasonable to permit the supplier of bunker fuel to increase his prices by the increase in costs incurred by his supplier as a result of the wage advance of February 1, 1951, and it is also reasonable to permit him to increase his price by the increase in transportation charges over those which existed in the base period of July 1, 1948, to June 30, 1949. Such a basis for ceiling prices for suppliers of bunker fuel will promote stability and efficiency in that branch of the coal industry. Like Ceiling Price Regulation No. 3 in respect to bituminous coal producers, this regulation establishes for bunker fuel suppliers a ceiling weighted average realization for each size, grade, grouping or classification of coal at each facility or group of facilities. This realization is the same as that obtained in the period July 1, 1948 to June 30, 1949, and may be adjusted to reflect the increases permitted by the regulation, and may not be exceeded in any 12-month period beginning April 1, 1951. This control in price levels provides an effective means of price stabilization.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Ceiling Price Regulation No. 21 are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950 to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of regulation.* This regulation establishes ceiling prices and ceiling weighted average realization for coal sold as bunker fuel both at points on the Great Lakes and their connecting or tributary waters and at points at tidewater.

SEC. 2. *Definitions.* When used in this regulation, the term:

(a) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(b) "Coal" means (1) Bituminous coal, including all bituminous, semi-bituminous and sub-bituminous coal; (2) lignite; (3) Virginia anthracite coal; and (4) Pennsylvania anthracite.

(c) "Bunker Fuel" means coal used aboard a vessel for consumption thereon.

(d) "Supplier of bunker fuel" means any producer, distributor, retailer, bunker agent or other person (and an agent of any of them) who sells or disposes of bunker fuel and delivers or procures the delivery of the same to vessels at points on the Great Lakes and their connecting or tributary waters or at tidewater for immediate use as bunker fuel, and who incurs the duties and risks attributable to the handling of bunker fuel. It does not include persons who sell coal to another person for general use or for delivery by such other person as bunker fuel. Delivery may be from a mine or a preparation plant operated as an adjunct of a mine or mines, or from a yard, dock, pier, elevator, bin, or other terminal facility or from a transportation vehicle or vessel.

(e) "Points on the Great Lakes and their connecting or tributary waters" means any port, point or place on Lake Superior, Michigan, Huron, Erie, and Ontario, the waters connecting those lakes, the St. Lawrence River, and those tributaries of the enumerated lakes which are not included in the inland waterways system.

(f) "Points at tidewater" means any tidewater port, point, or place on the Atlantic and Pacific Coasts of continental United States, and the coast of continental United States on the Gulf of Mexico.

(g) "Ton" means a short or net ton of 2,000 pounds.

(h) "Base Period" means (1) for all coal produced east of the Mississippi River, the period from July 1, 1948, to June 30, 1949, inclusive; (2) for all coal produced west of the Mississippi River, the period March 1, 1950, to December 31, 1950, inclusive.

(i) "Ceiling price" means the highest price applicable to a particular size, grade, grouping or classification of coal determined in accordance with the provisions of this regulation.

(j) "Realization" is the gross amount of money or value received or debited to the account of the supplier in the sale of bunker fuel (including commissions and discounts).

SEC. 3. *Prohibition against selling, delivering or otherwise disposing of bunker fuel at prices above the ceiling.* On or after the 10th day of April, 1951, regardless of any contract, agreement, lease or other obligations:

(a) No person who is a supplier of bunker fuel shall sell, deliver or otherwise dispose of bunker fuel to any person at prices higher than the ceiling prices determined in accordance with the provisions of this regulation.

(b) No person shall, in the course of trade or business, buy or receive such bunker fuel at prices higher than the ceiling prices determined in accordance with the provisions of this regulation.

(c) No person shall agree, offer, solicit, or attempt to do anything prohibited in paragraphs (a) and (b) of this section.

SEC. 4. *Ceiling prices and ceiling weighted average realization.* (a) The ceiling prices for each supplier of bunker fuel for each size, grade, grouping or classification of coal at each place or facility, as established by previous marketing practices, shall be the highest price charged by such supplier of bunker fuel for each size, grade, grouping or classification of coal sold for bunker fuel use at each place or facility during the base period.

(b) The prices charged for each size, grade, grouping or classification of coal at each place or facility where such coal is delivered shall be such that the weighted average realization per ton obtained by the supplier of bunker fuel for the 12-month period commencing April 1, 1951, and ending March 31, 1952, and for each 12-month period beginning on the first day of each succeeding month, commencing May 1, 1951, for each such size, grade, grouping or classification at each such place or facility shall not exceed the weighted average realization obtained by the supplier of bunker fuel from the sale, delivery or other disposal of each such size, grade, grouping or classification at each place or facility during the base period.

(c) The supplier of bunker fuel shall determine his ceiling weighted average realization for the base period for each size, grade, grouping or classification of coal at each place or facility where such coal is delivered by dividing the realization received from sales of bunker fuel by the number of tons so sold.

(d) The ceiling prices and ceiling weighted average realization determined in accordance with the provisions of this regulation for each size, grade, grouping

or classification at each place or facility may be increased by an amount not exceeding the actual dollar-and-cents per ton increase in (1) transportation costs, rail and/or water from the mine to the point of delivery, that have become effective since the base period and not later than the effective date of this regulation; (2) the cost of coal, f. o. b. the mine, charged by the principal supplier who furnished the principal supply of each size, grade, grouping or classification at each place or facility during a prior representative period, provided such increased cost of coal resulted from any wage and salary advances and other items related to the payroll which became effective on or after January 1, 1951, and prior to July 1, 1951, under the authority of Ceiling Price Regulation No. 3 (Coal, except Pennsylvania Anthracite, Delivered from Mine or Preparation Plant) and Ceiling Price Regulation No. 4 (Anthracite Delivered from Mine or Preparation Plant), both issued by the Director on February 1, 1951.

(e) The ceiling prices and ceiling weighted average realization determined pursuant to the provisions of this section may, at the option of the supplier of bunker fuel, be determined and established for a group of places or facilities where the selling prices for each size, grade, grouping or classification of coal have been uniform at each place or facility in the group by prior custom and practice in the marketing of bunker fuel.

SEC. 5. *Procedure for establishing ceiling prices and ceiling weighted average realization for new suppliers of bunker fuel.* (a) In the event a supplier of bunker fuel was not in business, did not sell a particular size, grade, grouping or classification of coal, or did not act as a supplier of bunker fuel at a specific place or facility during the base period, he may file an application, in duplicate, seeking the establishment of ceiling prices and ceiling weighted average realization that are fair and equitable. Such application shall set forth, among other things, the name and principal address of the applicant, the port or ports at points on the Great Lakes and their connecting or tributary waters and points at tidewater at which he intends to sell, deliver, or otherwise dispose of bunker fuel, the particular size, grade, grouping or classification for which ceiling prices or ceiling weighted average realization are requested, and the price or realization amount which the applicant proposes therefor; and the applicant shall furnish the same information, including the ceiling prices and ceiling weighted average realization, for another supplier of bunker fuel performing the same services and operating the same or similar places or facilities.

(b) The Director may request any other information deemed necessary by him to a fair and reasonable determination of the issues raised in the application.

(c) For 60 days after filing the application the applicant may sell bunker fuel at temporary ceiling prices no higher than the ceiling prices established under this regulation for the bunker fuel sold by another supplier of bunker fuel performing the same services and operating in the same or similar places or facilities. After 60 days from the filing of the application, if no action has been taken by the Director, the prices as requested in the application shall be the ceiling prices for such bunker fuel. The filing date herein shall be the date on which the application is received by the Director in the principal office of the Office of Price Stabilization, Washington, D. C.

(d) The Director may at any time review and revise ceiling prices or ceiling weighted average realizations proposed or established under this section if they appear to be inconsistent with the provisions of this regulation.

SEC. 6. *Less than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to bunker fuel alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding, or by the making of excessive charges for trucking or otherwise. Persons subject to the regulation shall continue to observe their customary and standard cash discount practices.

SEC. 8. *Reporting, invoicing and record-keeping requirements.* (a) Each person subject to this regulation shall keep on file invoices, sales data and any other records necessary to substantiate the ceiling prices and ceiling weighted average realization, and shall preserve and keep said invoices, sales data and records available for inspection by the Director for a period of two years.

(b) Each supplier of bunker fuel shall report to the Director, by letter, within 30 days after the effective date of this regulation, his (1) ceiling prices and ceiling weighted average realization for the base period computed under the provisions of sections 4 (a), (c) and (e) of this regulation; (2) each adjustment authorized under section 4 (d) of this regulation; and (3) the sum of (1) and (2), being the adjusted ceiling prices and ceiling weighted average realization.

(c) Each supplier of bunker fuel shall file a certified statement, by letter, of his ceiling prices, including adjustments, if any, determined in accordance with the provisions of this regulation with the Director and with the regional office or offices of the Office of Price Stabilization in the region or regions where the coal is delivered, within 30 days after the effective date of this regulation.

(d) Each person subject to this regulation shall furnish to each person to whom he sells bunker fuel an invoice stating the ceiling price established by this regulation separately from any other charge or a certified statement that the prices charged do not exceed the ceiling prices established under this regulation.

SEC. 9. *Petitions for amendment.* (a) Any person seeking an amendment to any provision of this regulation may file a petition in accordance with the provisions of Price Procedural Regulation No. 1 issued by the Economic Stabilization Agency and with the provisions of this regulation.

SEC. 10. *Taxes.* There may be added to the applicable ceiling price the amount of any transportation tax or sales, gross receipts, gross proceeds or use tax levied by any statute or ordinance, under which the tax is measured by gross proceeds or units of sale, only if the statute or ordinance permits or requires the seller to state the tax separately and the seller does state it separately on his invoice or other memorandum of sale, and only if the seller customarily added the amount of such tax to the ceiling price and separately stated the tax on his invoice prior to the effective date of this regulation.

SEC. 11. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, and enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

Effective date. This regulation shall become effective on April 10, 1951.

NOTE. The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4351; Filed, Apr. 10, 1951; 10:32 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 17]

GCPR, SR 17—EXEMPTION OF SALES OF TIMBER (STUMPAGE)

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 17 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation exempts sales of timber (stumpage) from the provisions of the General Ceiling Price Regulation. Standing timber, or down timber, commonly referred to as stumpage, is the raw material of the forest products industries. There are approximately 622 million acres of forest land in the United States. Of this area nearly three-fourths, or 460 million acres, is capable of producing timber of commercial quantity and quality and is available now, or prospectively, for commercial use. This is classed as commercial forest land. About 12.5 million acres, including some otherwise commercially valuable land, is reserved for parks and preserves and is not available for timber production. About 150 mil-

lion acres of forest land, classed as noncommercial, is used for watershed protection, wildlife habitat, and in general is held for purposes other than the commercial production of timber.

The 460 million acres of commercial forest land is owned about 20 percent by Federal agencies, 6 percent by states, counties and municipalities and 74 percent by private persons. Only 44 million acres, or about 10 percent of the commercial forest land area, is classed as old-growth saw-timber. Second growth saw-timber comprises roughly 155 million acres, or 34 percent of the total forest area. These saw-timber areas are characterized by timber large enough, and in sufficient volume per acre, for economic saw log and pulpwood operations.

Of the old growth and second growth saw-timber on commercial forest lands, approximately 45 percent is owned by Federal agencies. The remainder, in private hands, consists of a large number of small tracts, widely spaced geographically. Periodically, the Federal agencies offer stumpage for sale to the highest bidder and so act as a major source of raw material supply for the forest products industries. Scheduling of certain Federal agencies sales is, at present, being held in abeyance due to existing distorted price relationships.

During World War II, stumpage was exempted from the provisions of the General Maximum Price Regulation, and remained decontrolled throughout the OPA days except for stumpage west of the 100th meridian.

From the standpoint of price control, major pricing problems appear in connection with stumpage because no two tracts of timber have identical physical characteristics and because of the wide geographical dispersal of the timber. Uniform, equitable valuations are extremely difficult under these circumstances and the determination of prices and the surveyance impose an impracticable administrative burden at this time.

In view of the unique and complex character of the commodity in question, the number and differences in the stands of timber, and the administrative difficulties in instituting controls, it has been determined that the sale of stumpage should be exempted from the provisions of the General Ceiling Price Regulation: *Provided however*, That records of such transaction must be maintained.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of the Office of Price Stabilization, the exemption contained in this supplementary regulation is generally fair and equitable and is necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national defense effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950.

In formulating this supplementary regulation the Director has consulted with representatives of the industries, so far as practicable under the circumstances, and has given full consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applicability.
3. Exemption.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* The purpose of this supplementary regulation is to exempt sales of timber (stumpage) from the provisions of the General Ceiling Price Regulation.

SEC. 2. *Applicability.* The provisions of this supplementary regulation are applicable to the United States, its Territories and Possessions, and the District of Columbia.

SEC. 3. *Exemption.* On and after the effective date of this supplementary regulation, the provisions of the General Ceiling Price Regulation shall not apply to sales, leases, licenses or other contractual obligations pertaining to the right of a person to sever timber (stumpage) from the stump on the land of another person: *Provided, however,* That the records of such transactions be maintained pursuant to section 16 of the General Ceiling Price Regulation.

SEC. 4. *Definitions.* When used in this supplementary regulation, the terms:

(a) "Timber" (stumpage) means a tree whether green or dead, standing or down, of all species, classes and sizes where the tree has not been severed from the stump.

(b) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor, or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of the foregoing.

Effective date. This Supplementary Regulation No. 17 to the General Ceiling Price Regulation shall become effective on the 12th day of April, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4348; Filed, Apr. 10, 1951; 10:31 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 18]

GCPR, SR 18—CEILING PRICES FOR SALES BY MILLERS AND PROCESSORS OF FLOUR, MEAL, AND MILL FEED OR OTHER FEED INGREDIENTS PROCESSED FROM LISTED GRAINS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 18 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation to the General Ceiling Price Regulation is issued to resolve certain problems involving the pricing of grain flour, meal, and mill feed or other feed ingredients when sold by millers and processors.

Grain flour, meal, and mill feed or other feed ingredients are customarily sold by millers and processors on the basis of contracts for deferred deliveries, although in some instances these commodities are also sold for immediate or current delivery. The prices agreed upon in the contracts for deferred delivery are usually the same as those for current delivery and are predicated upon grain costs prevailing at the time of negotiation. During the period December 19, 1950, to January 25, 1951, many flour millers and processors made all of their deliveries pursuant to contracts negotiated prior to the base period, some as early as September and October 1950. The effect of the General Ceiling Price Regulation was to fix the ceilings of these millers and processors at levels which were predicated upon their grain costs during the autumn months of 1950 rather than the cost which they actually sustained during the base period. Moreover, the ceiling prices of these millers and processors were substantially lower than those who made some deliveries during the base period on the basis of current contracts. Grain costs sustained by millers and processors advanced sharply during the late months of 1950 and in January 1951. Thus, the price of #1 Northern Spring ordinary wheat in Minneapolis, which had ranged from $2.15⅞ to $2.23⅝ per bushel during the period from September 30 to December 1, 1950, rose to a high of $2.42¼ during the base period. Cash corn prices in Minneapolis, which had ranged from approximately $1.40 to $1.53 per bushel during the months of October and November 1950, advanced to a high of $1.71 per bushel during the base period.

The wheat, rye, corn and other grain milling industries customarily operate on comparatively short gross margins over material costs. Industry representatives have advised the Director of Price Stabilization that the margins of processors who delivered during the base period solely on the basis of long term contracts are not sufficiently broad to enable them to absorb their increased grain costs, and that immediate action is necessary to enable them to establish ceiling prices bearing a normal relation to their base period raw material costs. These prices, they point out, are those used by them in contracts negotiated during the base period for deferred deliveries of their commodities within 120 days after date of contract, or those quoted by them during the base period for immediate deliveries of such commodities.

It is the finding of the Director of Price Stabilization that the invalidation of the contracts negotiated by these mill-

ers and processors during the base period would subject the greater number of them to substantial hardship in that it would compel them to sell their products at prices which do not reflect the higher grain costs which they were compelled to sustain. An individual adjustment provision is administratively impracticable at this time. Accordingly, therefore, this supplementary regulation is issued to provide a new method for establishing ceiling prices for sales by grain millers and processors of flour, meal, and mill feed or other feed ingredients processed from corn, flaxseed, oats, rye, grain sorghums and wheat. It will permit all processors to change ceiling prices which reflect current grain costs. Under this new method if a miller or processor entered into a contract during the base period, his ceiling price for that product shall be the highest price at which he contracted in writing during the base period to sell the product for delivery within 120 days after the date of the contract, or if he made no such contract during the base period, then the highest price at which his most closely competitive seller in his normal market contracted for the sale of the product during the base period for delivery of the product to a purchaser of the same class within 120 days from the date of the contract.

In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

Although special circumstances have rendered impracticable consultation with formal industry advisory committees, including trade association representatives, the provisions of this supplementary regulation incorporate the recommendations of persons representing substantial segments of the grain milling and processing industries affected.

REGULATORY PROVISIONS

Sec.
1. Applicability.
2. Ceiling prices for sales by grain millers and processors of flour, meal, and mill feed or other feed ingredients processed from listed grains.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability.* (a) This supplementary regulation provides a new method for establishing ceiling prices for sales by certain grain millers and processors of flour, meal, and mill feed or other feed ingredients processed from the following grains: grain sorghums, corn, flaxseed, oats, rye, and wheat. This new method supersedes that set forth in the General Ceiling Price Regulation, as amended, with respect to calculating ceiling prices for these commodities when sold by these grain millers and processors. In all other respects not inconsistent with the provisions of this supplementary regulation, the General Ceiling Price Regulation continues to apply to the sales of the above commodities. This regulation does not supersede Supplementary Regulation 7 to the General Ceiling Price Regulation.

(b) The provisions of this regulation are applicable to the United States, its Territories and possessions, and the District of Columbia.

SEC. 2. *Ceiling prices for sales by grain millers and processors of flour, meal, and mill feed or other feed ingredients processed from listed grains.* If you mill and process flour, meal, and mill feed or other feed ingredients from one or more of the grains listed in section 1 of this regulation, your ceiling price for that product shall be the highest price at which you contracted in writing during the base period to sell the product for delivery within 120 days after the date of the contract, or if you made no such contract during the base period, then the highest price at which, during the base period, your most closely competitive seller in your normal market contracted in writing to sell the product for delivery within 120 days after the date of the contract to a purchaser of the same class. *Provided,* That for the purpose of computing parity adjustments pursuant to section 11 of the General Ceiling Price Regulation, you shall use as "the highest price you received or paid during the base period" the highest market price of the grain as of the execution date of the contract which determines your ceiling price.

Effective date. This Supplementary Regulation No. 18 to the General Ceiling Price Regulation shall become effective April 12, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4349; Filed, Apr. 10, 1951; 10:32 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2 as Amended April 6, 1951]

M-2—RUBBER

EDITORIAL NOTE: The following is a complete restatement of NPA Order M-2, embodying all changes effected by the amendment to said Order M-2 as published in the FEDERAL REGISTER, April 10, 1951, 16 F. R. 3117.

This order, as amended, is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of this amendment, however, consultation with industry representatives has been impossible because of the need for immediate action.

This amendment affects NPA Order M-2, as amended April 1, 1951, as follows: It adds a new paragraph (f) to section 10, and it makes an addition to the certification in section 12. As so amended, NPA Order M-2 reads as follows:

EXPLANATORY PROVISIONS

Sec.
1. Purpose and effect.
2. Definitions.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

3. Private importation of natural rubber prohibited.
4. Limit on total new rubber consumption (except natural rubber latex).
5. Limit on natural rubber latex consumption.
6. Rubber to fill rated orders (other than "DO-97").
7. Orders rated "DO-97".

ALLOCATION OF SYNTHETIC RUBBER

8. Limitation on acquisition of synthetic rubber.
9. Allocation procedure.
10. Basis of allocation.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

11. Camelback production required.
12. Tires or tubes for new passenger automobiles.
13. Required production of certain tires or tubes.
14. Rubber product simplification and manufacturing specifications.

GENERAL PROVISIONS

15. Monthly reports of rubber consumption and stocks.
16. Reports by tire, tube, and camelback manufacturers.
17. Reports by latex importers.
18. Records and reports.
19. Inventory limitations.
20. Adjustments and exceptions.
21. Communications.
22. Violations.

AUTHORITY: Sections 1 to 22 issued under sec. 704, Pub. Law 774, 81st Cong., and sec. 10, 62 Stat. 105, 50 U. S. C. App. Supp. 1929; Pub. Law 575, 81st Cong. Interpret or apply sec. 101, Pub. Law 744, 81st Cong., and sec. 3, 62 Stat. 102, 50 U. S. C. App. Sup. 1922; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; E. O. 9942, April 1, 1948, 13 F. R. 1823.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of rubber for the needs of national defense and to provide for its equitable distribution. It places over-all limits on the consumption of new rubber (including both natural and synthetic). It prohibits private importation of natural rubber and provides for allocation of Government-produced synthetic rubber. Provisions are also made for increasing production of camelback, for directing production of rubber products into standard lines, and for restricting the use of natural rubber in certain listed products, for limiting inventories of tires and tubes and for restricting their delivery for installation on new passenger automobiles.

SEC. 2. *Definitions.* As used in this order:

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed

or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine pará, which are of equivalent quality regardless of name or origin; but excluding all other South or Central American grades of wild rubber and all rubber from guayule, balata or gutta percha, as well as reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex but excluding reclaimed synthetic rubber.

(e) "GR–S" means a general-purpose synthetic rubber of the butadiene styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Butyl" or "GR–I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber, and uncured in-process materials.

(h) "Consume" means, in the case of dry natural rubber, natural rubber latex or synthetic rubber, to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(j) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(k) "NPA" means the National Production Authority in the Department of Commerce.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

SEC. 3. *Private importation of natural rubber prohibited.* (a) On and after December 29, 1950, no person other than the Administrator of General Services shall import into the United States (including its territories and possessions) any natural rubber as defined in section 2 (a) of this order, except as specifically authorized in writing by the Administrator of General Services; *Provided, however*, That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody or otherwise, except where the rubber moves through the United States in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 2 (a) but all such excluded types and grades shall be inspected by, and a certificate of import secured from, the Administrator of General Services prior to their importation.

SEC. 4. *Limit on total new rubber consumption (except natural rubber latex).* (a) No person shall (except on prior written authorization of the NPA) consume in any calendar month a total amount of new rubber (including all synthetic both dry and latex and all natural except latex) in excess of 90 percent of his base monthly new rubber consumption as computed under paragraph (b) of this section.

(b) Each person's base monthly new rubber consumption shall be one-twelfth of his actual new rubber consumption (including all synthetic both dry and latex and all natural except latex) during the year ending June 30, 1950, as adjusted by the NPA.

(c) The limitation provided in this section shall not apply to any person during any calendar quarter in which his total consumption of new rubber (including all synthetic both dry and latex and all natural except latex) does not exceed 25,000 pounds.

SEC. 5. *Limit on natural rubber latex consumption.* (a) No person shall (except on prior written authorization of the NPA) consume during any calendar quarter, a total quantity of natural rubber latex in excess of one-fourth of his consumption during the year ending June 30, 1950, as adjusted by the NPA.

(b) Any person who imports any natural rubber latex into the United States after October 1, 1950, shall offer at least 10 percent of his imports to the General Services Administration at his regularly established price.

(c) In the event that imports of natural rubber latex are of such volume that an excess remains available for consumption (including any amounts not accepted by General Services Administration), after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile requirements of the Government, and (3) a reasonable reserve for adjustments under section 19 of this order. Such excess will be allocated quarterly to consumers by the NPA on the basis of their pro rata allocation of natural rubber latex during the fourth calendar quarter of 1950. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a) of this section.

SEC. 6. *Rubber to fill rated orders (other than "DO–97").* (a) Such quantities of new rubber as are used in making products to fill DO rated orders (other than those rated "DO–97") are hereby exempted from the limitations on consumption contained in sections 4 and 5 of this order. All such quantities shall accordingly be excluded in computing consumption under those sections. Allocations of synthetic rubber will be made for such purposes, upon application in writing to the NPA, in addition to the allocations for which provision is made in sections 8, 9, and 10 of this order.

(b) Any person filing an application for an allocation of rubber to fill DO rated orders (other than those rated "DO–97") must show (1) the DO rating number or symbol applied to the order, (2) the Government contract and purchase numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as concerns the rubber content, (5) the name and address of the customer and the shipping destination, and (6) the types and quantities of rubber required, by month, to fill the order.

SEC. 7. *Orders rated "DO–97."* (a) Notwithstanding the provisions of NPA Reg. 4, no person shall apply or extend the rating "DO–97" to any order for any pneumatic or solid tires or tire tubes or other transportation products as listed under codes 1 through 8 in appendix A, and no such rating applied or extended to such orders shall be deemed a valid rating.

(b) Insofar as necessary and practicable, new rubber will be made available once a month, in addition to the quantities otherwise permitted by this order, to manufacturers of those products listed under Codes 9–24 in appendix A, to replace rubber used to fill orders for such products rated "DO–97." No additional rubber will be authorized for such purpose, however, except to the extent that the applicant demonstrates that he has filled "DO–97" rated orders for the product in the previous month requiring a greater proportion of his then permitted new rubber consumption than he devoted to the manufacture of that product out of his total new rubber consumption in the year ending June 30, 1950 (exclusive of such units as were manufactured and sold as parts of new equipment or for incorporation in new equipment). Application for such additional new rubber shall be made before the 10th day of each month. The quantities approved under this section will be authorized and allocated for use during the remainder of that month. (For example: If a company used rubber in March for orders rated "DO–97" in excess of the above-described proportion, it may report such excess use before the 10th of April, and additional rubber will be authorized or allocated in April). The applicant must state (if he has not pre-

viously submitted the same information) his consumption of new rubber during the year ending June 30, 1950, in making the product involved (broken down to show what proportion went into new equipment), the volume of orders filled for the product during the previous month (broken down to show those rated "DO–97"), the types and quantities of rubber used or required therefor, the new rubber authorization requested, and any other data necessary to demonstrate that the applicant has satisfied the above requirements entitling him to additional rubber.

ALLOCATION OF SYNTHETIC RUBBER

SEC. 8. *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR–S or butyl (GR–I) than is allocated to him by the NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation.

SEC. 9. *Allocation procedure.* The NPA will allocate quarterly, to each consumer of GR–S or butyl, the amounts of Government-produced GR–S and butyl that he may purchase during a specified calendar quarter. The NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits to anyone for more GR–S or butyl than is allocated to him. Persons desiring to purchase GR–S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

SEC. 10. *Basis of allocation.* GR–S and butyl for non-defense purposes will be separately allocated by the NPA for each calendar quarter on the following basis:

(a) *GR–S.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR–S will be allocated a fair and proportionate share of the total available Government-produced GR–S (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 19 of this order). The share of GR–S so allocated to each consumer will be calculated so that such share, when added to the quantities of other new rubber which are permitted or allocated to him and which enter into the computation of total new rubber under section 4 of this order, will equal his total new rubber consumption as permitted by section 4.

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 19 of this order), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for tire tubes during that period as determined by the NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by the NPA.

(d) *Imports to be considered.* In making allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain the quantities of imported GR–S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain and take into account each consumer's inventory of GR–S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 20-working-day supply.

(f) *GR–S plant clean-up and dried latex drainings, coagulum, and preflox materials.* Only 50 percent of the quantity of GR–S plant clean-up material purchased from the Office of Rubber Reserve, and only 25 percent of the GR–S dried latex drainings, coagulum, and preflox purchased from the Office of Rubber Reserve, need be considered in computing and reporting the total quantity of synthetic rubber acquired or consumed.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 11. *Camelback production required.* Every person who produced camelback during the year ending June 30, 1950, shall produce in each month of 1951, an amount of camelback which by RHC weight is at least one and a half times as great in proportion to his total new rubber consumption in the manufacture of transportation products during such months, respectively, as the proportion which his production of camelback during the year ending June 30, 1950, bore by weight on RHC basis to his total new rubber consumption in transportation products during that year. For example, if a person's production of camelback on RHC basis accounted for 5 percent of his new rubber RHC consumption in transportation products during the year specified, his production of camelback in each month must account for at least 7.5 percent of his new rubber RHC consumption in transportation products during each month of 1951. This means that consumers who produce transportation products other than camelback must sacrifice sufficient RHC from other transportation products to achieve the above result, since no extra allocation of RHC will be made to compensate for increased camelback production. Those who produce camelback only are not subject to this section.

SEC. 12. *Tires or tubes for new passenger automobiles.* No person shall deliver any tires or tubes to any manufacturer of new passenger automobiles unless such manufacturer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, That, except in fulfillment of DO-rated orders, after April 1, 1951, I will not install on or use for any new passenger automobile more than four tires or tubes and that no more than four tires and tubes will be delivered by me with any new passenger automobile.

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(Date) (Signed)

SEC. 13. *Required production of certain tires or tubes.* (a) No person, who, during the first calendar quarter of 1951, manufactured any tires or tubes for use on trucks, buses, and truck trailers, in sizes 8.25 and up, or on tractors or farm equipment, shall, during any month, devote less than the same proportion of his total new rubber consumption as limited by section 4 of this order to the manufacture of these items than he did in the first calendar quarter of 1951.

(b) In addition, the saving in new RHC resulting from the reduction in original passenger car tire and tube deliveries in April 1951, as compared with such deliveries in March 1951, shall be used by each tire manufacturer in the production of truck and bus tires and tubes, in sizes 8.25 and up, and for farm tires and tubes. Insofar as natural rubber may be used in producing such tires and tubes in accordance with the specifications in appendix A, such use in lieu of synthetic rubber is permitted, subject to the limitation on total new rubber consumption in section 4 of this order.

SEC. 14. *Rubber product simplification and manufacturing specifications*—(a) *Manufacture except in accordance with appendix A prohibited.* No person shall manufacture any rubber product except in accordance with the specifications and other terms and conditions prescribed in the attached appendix A. More specifically, (1) no person shall consume any natural rubber (dry or latex) in the manufacture of any product not listed in column II of appendix A; (2) no person shall consume more natural rubber (dry or latex) in the manufacture of any listed product than prescribed in column III (as qualified by column IV) of appendix A, and (3) no person shall consume any new RHC (natural or synthetic) in the manufacture of any listed product in more or different lines, types, qualities, styles or colors than those prescribed in column IV of appendix A.

(b) *Exceptions to limitations of appendix A*—(1) *Defense orders.* Notwithstanding the provisions of appendix A, any product manufactured to fill a DO rated order (other than one rated "DO–97") may be manufactured to the specifications of the order if and to the extent that such specifications are required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and non-defense requirements.

(2) *Tire experimentation.* Notwithstanding the provisions of appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in appendix A.

(3) *Use of natural rubber instead of synthetic rubber.* Notwithstanding the provisions of appendix A, any person who has received an allocation of synthetic rubber, for a given period, which is of a lesser proportion of his total new rubber consumption, as limited by section 4 of this order, than he is required by the specifications contained in appendix A to use in the manufacture of his usual line of products, may (within the limits of section 4) use such additional natural rubber as is necessary to make up the difference: *Provided however,* That any person who uses additional natural rubber in accordance with this section shall prepare a statement setting forth all of the facts and statistics upon which such additional use was based. This statement, signed by an officer of the company, shall be retained in the files of the company and made available to the NPA upon request.

(c) *Import restrictions*—(1) *Certification required.* No product for which specifications are established in Appendix A may be entered for consumption in the United States or its territories or possessions unless the entry thereof is accompanied by a certificate from the exporter or other qualified person to the appropriate Collector of Customs reading substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached contain no more natural rubber (of any type and wherever produced) than permitted by NPA Order M–2 for similar products.

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(Date) (Signature)

(2) *Exceptions.* No such certificate shall, however, be required for the incorporation (i) of any products by a diplomatic representative of a foreign government for his personal use or for the use of members of his staff or by a commercial representative of a foreign government for use in his official business and not for sale or, (ii) of any products for experimental and testing purposes and not for sale.

GENERAL PROVISIONS

SEC. 15. *Monthly reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed below shall file a monthly report on Form NPAF–3 with the NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments.

Types to be reported

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR–S Types, excluding latex.[1]
GR–S Type latex.[1]
Butyl types.[1]
Neoprene, including latex.
Butadiene-Acrylonitrile types (N-Type).[1]
Other special-purpose synthetic types.[1]
Scrap rubber, uncured.

SEC. 16. *Reports by tire, tube, and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file a report of his production, shipments, and inventory for each calendar month on Form NPAF–5 with the NPA in accordance with the instructions accompanying the form. Such report shall be filed by the 10th of the month following the month to which it relates.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file a report of his production of cured tires for each week on Form NPAF–6 with the NPA in accordance with the instructions accompanying the form.

SEC. 17. *Reports by latex importer.* Every importer of natural rubber latex shall report by letter to the NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 18. *Records and reports.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries and inventories, production, and use, in sufficient detail to permit an audit that determines that the provisions of this order have been met. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business. All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority. All persons subject to this order shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 19. *Inventory limitations.* (a) No person shall in the course of trade or business receive delivery of any new tires or tubes if his inventory of such items exceeds, or by such receipt would be made to exceed, his minimum requirements for the operation of his business during the succeeding 30 days (or, in the case of passenger car manufacturers, 15 days). No person shall deliver tires or tubes (1) if he has reason to believe that his customer is not permitted to receive delivery under this section, nor (2) unless his customer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that after receipt of the tires or tubes covered by this order my inventory will not exceed the quantity permitted by NPA Order M–2.

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(Date) (Signature)

(b) All of the materials subject to this order are also subject to NPA Reg. 1 which prohibits the accumulation of materials in excess of a practicable minimum working inventory.

SEC. 20. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of relief sought, and the justification therefor.

SEC. 21. *Communications.* All applications, reports, and other communications relating to this order should be addressed to the National Production Authority, Washington 25, D. C., Ref: Order M–2.

SEC. 22. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this order.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 1, 1951.

Issued: April 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[1] Includes all types whether obtained from Government or other sources, including imports.

APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 13 OF NPA ORDER M-2

EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in Column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in Column 2.

Column 3: The figures and symbols in Column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23 and 24, the figures in Column 3 represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound *except* where provided in Column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in Column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in Column 4.

The symbol "X" in Column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required except as may be provided in Column 4.

Column 4: The provisions in Column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by Column 3. These qualifications take precedence over Column 3 where there is any apparent inconsistency. Column 4 also contains the simplification and standardization provisions governing the manufacture of the product or product class. These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles and colors in which the listed products may be manufactured with the use of any kind of rubber. There are no such limitations on the manufacture of listed products except as indicated in Column 4.

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
1	Pneumatic tires	(1)	The group average of any product in Code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for Code 1.
	Airplane tires	100	Max. individual tire—100%.
	Bicycle tires	13	Black side-wall construction only. Maximum individual tire—95%.
	Motorcycle tires	15	Black side-wall construction only. Maximum individual tire—95%.
	Passenger: Highway, mud-snow, taxi		Passenger car tire production is restricted as follows: All types—black side-walls only. Standard tread depth highway tires—one line and one quality only. Extra tread depth highway tires—one line only; and no greater quantity may be produced by any manufacturer in any calendar quarter, in proportion to his total production of passenger car tires in that quarter, than the proportion of his extra depth highway passenger car tire production to his total passenger car tire production in the last 6 months of 1950. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	Thru 7.10 and 6.50	15	Max. individual tire—95%.
	Over 7.10 and 6.50	22	Max. individual tire—95%.
	Industrial pneumatic	13	Max. individual tire—95%.
	Tractor implement	13	Max. individual tire—95%. Restricted to one line of tires.
	Truck: Highway, heavy highway, traction, off-the-road trailer, flotation type, trailer type.		Truck tire production is restricted as follows: Standard tread depth highway tires—one line only. Extra tread depth highway tires—one line only. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	7.50 and under	38	Max. individual tire—95%.
	8.25 thru 9.00	75	Max. individual tire—99%.
	10.00 thru 12.00	90	Max. individual tire—99%.
	Over 12.00	92	Max. individual tire—99%.
2	Solid tires	X	
	Airplane tires	X	
	Bogie, idler and support rollers	X	
	Pressed on	50	
	Cured on, 4 x 1½ and up	50	
3	Tire tubes:		Any color, but one color only, except that every tube containing butyl must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be 3/16" minimum width. No other tube shall be so marked.
	Airplane	100	
	Bicycle	5	Including valves.
	Industrial pneumatic	50	
	Passenger	0	
	Puncture seal	X	
	Safety tubes	X	
	Tractor implement	0	
	Truck, 8.25 cross-section and under	0	
	Above 8.25 and up to 14.00	5	
	14.00 cross-section and over	80	
4	Tire tube valves and curing bags:		
	Tire tube valves (including repair valves)	X	
	Tire tube valve inside washers	X	
	Curing bags	50	May be averaged with groups in Code 1.
5	Tire flaps		May be averaged with groups in Code 1.
	10.00 and up	100	
	All others	50	
6	Tire retreading materials:		
	Air bags, full circle for retreading	X	
	Camelback for airplane tires	100	
	Camelback for 9.00 cross-sections and larger, in die sizes 6½" crown width and 15/32" ga. and up.	X	
	Camelback, die sizes under 6½" crown width and under 15/32" ga.	0	
	Camelback cushion gum	100	1/32" ga. max. for synthetic camelback.
	Padding stock	X	
	Stripping stock	X	
	Filler stock	X	
	Cushion repair gum	100	
	Tread repair gum	X	
	Tire vulcanizing cement	X	
7	Tire and tube repair materials:		
	Air bags, sectional	X	
	Bulk tire repair materials	X	
	Tire patches	X	
	Tube patches	X	
	Patching cement	X	
8	Tank blocks, treads and band tracks	X	

[1] Maximum group average.

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
9	Belting: Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials such as cord or wire are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, cotton fabric ply construction belt.		Color black throughout, except where otherwise specified. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose in this Order the commonly accepted service classifications used by industry shall apply.
9-A	Conveyor and elevator belting:		
	For severe service only	25	
	For moderate service	15	
	For hot material	X	Operating temp. 200° F. and over.
	For conveying unpackaged food materials and materials that would be discolored with black belts.	25	Black friction, amber or tan cover.
9-B	Misc. belt and related products:		
	Hay baler	X	
	Other agricultural implement	15	
	Belt splicing and repair material	X	
	Chute lining	25	
	Conveyor skirting or skirt board	25	
	Cigar machine aprons		Same restrictions as first grade flat transmission belt (Code 9-C).
	Concentrator belts	25	
	Escalator hand rails	30	
	Hatter belts	X	
	Hog beater belts	40	
	Last puller	20	
	Package	25	
	Paper machine aprons	25	
	Paper making screen diaphragms	15	
	Postal meter and letter opening feed belts	X	
	Powder explosives	15	
	Pulley lagging	25	
	Rubber scrapers for conveyor belts	25	
	Safety belts, linemen's	0	Color optional.
	Sling or lifting	25	
	Special molded conveyor belts	X	
	Street sweeper belts	25	
	Tube winding	X	Tan or amber.
	Tobacco stemmer belts	X	Natural rubber color permitted.
	Molded discs for conveyor belt idlers	25	
	Ozalid seals	X	Color optional.
9-C	Flat transmission belting		Natural rubber lb. maximum per 1,200 sq. in. per ply. Color of seaming strip optional.
	For severe service, or high speed or to operate over small pulleys		0.65 lbs.
	For moderate service		0.30 lbs.
	Hammermill belt		0.65 lbs.
	Axle generator belt		0.65 lbs.
	Rubber covers for above, maximum thickness 3/64"	10	
	Sheeting type, slab belting		Color optional, one color only.
	Using fabric weighing between 10 and 16.50 oz. per sq. yd		0.65 lbs.
	Using fabric weighing less than 10 oz. per sq. yd		0.30 lbs.
9-D	"V" Belts		Percent based on total volume of belt. In determining belt volume, the published nominal cross-sectional dimensions shall be used where these exist and mold cross-sectional dimensions shall be used in all other cases. All belts black, except as otherwise specified. Buff color permitted for non-making and food handling.
	Fractional H. P.	20	
	Household equipment	20	
	Automotive:		
	Passenger cars for pulley groove top width more than .500"	20	
	Trucks under 1½ ton for pulley groove top width more than .500"	20	
	Passenger and truck for pulley groove top width .500" or less	25	
	Trucks 1½ tons and over	25	
	Busses	25	
	Police cars and taxis	25	
	Airplane	25	
	Stationery gas and diesel engines	25	
	Industrial, including agricultural:		
	Heavy duty	30	
	Standard	30	
	Speed changers	35	
	Double "V"	15	
	Open end	20	
	Round belts	25	
	Railroad axle-drive	50	
10	Hose		All hose to be black throughout, except where specified. Color permitted in frictions, liners and cements to identify and differentiate between oil resisting and non-oil resisting rubbers. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose the commonly accepted service classifications used by industry shall apply.
10-A	Aircraft hose:		
	Crash truck AAF 26611 (−65° F.)	X	
	Ducts	X	Govt. or commercial plane use only.
	Oxygen hose	X	Govt. or commercial plane use only.
	Airbrake (20-147) (a)	5	Govt. or commercial plane use only.
	Aircraft hose not elsewhere listed	0	
10-B	Automotive hose:		
	Air brake	5	
	Air cleaner	5	
	Hydraulic actuating boot	X	
	Car heater	0	
	Coolant (radiator):		
	Curved	15	
	All other radiator	5	
	Defroster	15	
	Hydraulic brake; S. A. E. R-41	0	
	Windshield wiper	5	
	Vacuum brake	5	
	Automotive hose not elsewhere listed	0	
10-C	General industrial hose		All hose to be black throughout, except where specified.
	Acid	X	
	Air and air tool: Air drill for mining and quarrying and heavy duty industrial.	30	
	Gas mask air hose	40	
	All other air hose not elsewhere listed	5	Red and green cover permitted on 3/8" and under for identification purposes.
	Alcohol, beverage, brewers wine, vinegar, food and milk conveying	40	Buff colored tube and cover permitted.
	Ammonia	20	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
10-C	General industrial hose—Continued		
	Arbor pipe forming	25	
	Booster and chemical engine	10	
	Braided cover tubing	0	
	Cable covering, electric	30	
	Cloth inserted tubing	5	
	Coupling, flexible	5	
	Creamery	20	Buff color cover permitted.
	Divers':		
	Floating	X	Natural rubber color permitted.
	Sinking	5	
	Dredging sleeves	40	
	Expansion joints	40	
	Fire:		
	Cotton rubber lined and R. C	25	
	Wrapped duck	25	
	Fire engine suction:		
	Hard	10	
	Soft	25	
	Fire extinguisher tubing	5	
	Flanged flexible pipe	40	
	Garden and lawn	0	Red and green cover permitted.
	Jetting	10	
	Marine exhaust	0	
	Material handling—including grain	40	
	Cement and concrete	40	
	Phosphate flexibles	40	
	Rock dusting	40	
	Insulation blowing	5	
	Paint spray, fluid line	0	5% natural rubber by volume permitted when Thiokol is used.
	Paper mill hose	10	
	Petroleum products:		
	Gasoline service station	0	
	Oil suction and discharge	15	Both rough and smooth bore permitted.
	Butane and propane	5	
	Tank wagon	0	
	All other not elsewhere listed	0	
	Pinch valve	X	
	Rotary drilling:		
	Vibrator	15	Color stripe or band permitted.
	Mud suction	15	
	Sand blast	X	
	Sand placing and sand suction	40	20" and over I. D. X. natural rubber permitted.
	Shaft covering, flexible	5	
	Spray, horticultural and car washing	----------	For car washing service where pressure exceeds 250 P. S. I.
	Over 400 lbs. working pressure	5	
	Under 400 lbs. working pressure	5	
	Steam:		
	Over 50 lbs. working pressure	X	
	50 lbs. and under working pressure	20	
	Steam ironing	X	
	Suction, water:		
	Hard rubber and rough bore	5	
	Smooth bore up to 6"	10	
	Smooth bore 6" and over	20	
	Vacuum:		
	Household, including hotels, office buildings, etc	25	
	Industrial dust collector and blower exhaust	X	
	Washing machine	0	
	Water:		
	Radiator filling	0	
	Industrial:		
	Severe service	10	
	Moderate service	5	
	Welding	5	Hose may be black, red, and/or green as required for safety identification.
	Hose not elsewhere listed	0	
10-D	Railroad hose:		
	Air brake and signal, M-601	20	
	Air pneumatic tool, M-608	5	
	Paint spray, M-610	5	
	Pantograph	10	
	Sand, M-615 and M-616	X	
	Sand pipe nozzles	X	
	Steam, hot water and car heat, M-605	X	
	Tender tank, M-606	10	
	Water, cold, M-604	5	
	Welding, M-603	5	Hose cover may be black, red, and/or green as required for safety identification.
	Railroad hose not elsewhere listed	0	
11	Packing and gaskets not elsewhere listed	----------	Color optional. Restriction on one line, type, quality, and style do not apply.
11-A	Packings without fabric or high percent of fiber, including sheet and also strip, discs, gaskets, rings, cups, U packings, V rings, O rings, nonfabric diaphragms, etc., made by extruding, cutting, or molding:		
	Below 45 durometer	0	
	45 durometer and above	0	
	Pipe coupling gaskets	0	
	Molded and extruded gaskets spliced endless after initial vulcanization.	0	
	Electrical transformer sheet rubber for packing seals	40	
	O rings for sliding contact against steam and chemicals	X	
	Air brake gaskets	X	
	Vulcanizer door gaskets	X	
	All others not elsewhere listed	0	
11-B	Packings with high fiber content sheet (generally known as "compressed asbestos sheet") and gaskets cut from same.	5	By weight.
	Molded gaskets, discs, rings, etc	5	By weight.
	Rod packing coil, spiral ring form (generally known as "rubber-bonded plastic packing").	5	By weight.
11-C	Packing with fabric or wire insertion sheet gasketing (generally known as "C. I. or B. W. I. Sheet") and gaskets cut from same:		
	Cotton insert	5	
	Wire insert	10	
	Asbestos insert	25	
	Rolled or molded gaskets:		
	Cotton insert	25	
	Asbestos insert	25	
	Diaphragm sheet including diaphragms cut from same or molded:		
	Supersensitive gas regulation	X	
	Molded other than above	25	
	Cut other than above	15	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
11-C	Rectangular piston packing	50	
	Rod packing including molded cups, U packings, and V rings:		
	Cotton insert	25	
	Asbestos insert	25	
11-D	Valve and valve parts:		
	Valve and valve discs—45 durometer and under	X	
	Loaded ball valves	X	
	All other valves and valve parts	0	
11-E	Sealing compounds for food containers:		
	Beverage container gaskets (molded, extruded or lathe-cut)	0	
	Food container gaskets (extruded and lathe-cut)		15% natural rubber by weight of compound permitted.
	Gasket-lined home canning lids		5% natural rubber by weight of compound permitted.
	Jar rings, cut rings	25	
	Molded stoppers for food and beverage containers	0	
	Food closure gasket		30% natural rubber by weight of compound permitted for food gaskets formed and vulcanized in the closure.
	Sealing compounds, food closures and can ends ("flowed-in" type for glass and metal containers).	X	Natural rubber latex permitted.
12	Other mechanicals		All products in Code 12, color optional, unless otherwise specified. Restrictions on line, type, quality, and style do not apply.
12-A	Aircraft equipment:		
	Boots, de-icer and integral parts including hose	X	
	Bumpers	0	
	Cords, alighting gear	X	
	Conductive rubber parts	X	
	Flexible couplings, functional	X	
	Engine instrument mountings and vibration insulators	X	
	Oxygen mask, pilot	X	
	All parts 45 durometer or less	0	
	All other parts not elsewhere listed	0	
12-B	Automotive equipment:		
	Windshield wiper blade	X	
	Bumper—retaining and check (molded)	25	
	Bumpers—functional:		
	Suspension	25	
	Crash	10	
	Bushing:		
	Suspension	X	
	Torque rod	X	
	Coupling—flexible	X	
	Weatherstrips and body seals, extruded, under 50 durometer	0	
	Weatherstrip, injection compound for splicing and forming	X	
	Molded ventilator strips	25	
	Glass run	10	
	Crankshaft torsion dampers	X	
	Transmission and engine mountings:		
	50 durometer and over	40	
	Under 50 durometer	X	
	Body and chassis mountings:		
	50 durometer and over	0	
	Under 50 durometer	0	
	Tail pipe insulator—under 50 durometer	X	
	Torsion springs	X	
	Grommet, core-molded-retaining, for dashboard insulation	25	
	Fuel tank—filler neck seal	25	
	Mats:		
	Contour, front compartment only	10	A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	Sill with retaining buttons	15	
	All other automotive mats	0	
	Cowl and dash liners	0	A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	Seal beam headlights	X	
	Pads—N. I. with retaining buttons	15	
	Fender flaps or splash guards	0	
	Silencers—coil spring	0	
	Rear spring seat insulator	X	
	Tubing:		
	Drain		
	Windshield wiper, non-reinforced	X	
	Spring tying suspension seat cord	X	
	Molded diaphragms	25	
	Hydraulic, air brake, and vacuum brake cups, diaphragms, valves and seals.	X	
	Seals:		
	Valve stem—tire	X	
	Valve stem—motor	25	
	All other parts not elsewhere listed	0	
12-C	Railroad and streetcar equipment:		
	Car spring snubbers	X	
	Refrigerator friction drive wheel	0	
	Refrigerator car door seal	0	
	Molded seal for double-glazed windows	X	
	Bumpers		Same as automotive.
	Streetcar wheel	X	
	Windshield wiper blades	X	
	Door shoes	5	
	Draft gears	X	
	Vibrational insulators—functional	X	
	All other parts not elsewhere listed	0	
12-D	Farm equipment:		
	Flax roll (50 durometer or under)	X	
	Corn husking roll	5	For adhesion.
	Feed conveyor	5	For adhesion.
	Corn snapper roll	5	For adhesion.
	Draper apron roll	5	For adhesion.
	Cotton rubber roll	5	For adhesion.
	Hay baler roll	5	For adhesion.
	Rubber covered canvas	0	
	Cotton picker doffer	0	
	Press wheel tires	X	
	Gauge wheel tires	X	
	Shoe pitman arm torque bushing and torsion bushings		
	Bearing cushion cups, non-oil-resisting	X	
	Cotton drier flaps	0	
	Pneumatic seats	0	
	Steering wheels	10	
	Rubber covered beater bars	X	
	All other parts not elsewhere listed	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-E	Electrical products and industrial equipment:		
	Telephone and telegraph insulators	0	
	Lineman protective devices	X	
	Friction tape		5 lbs. of natural rubber for 100 sq. yds.
	Splicing compound	35	
	Underground cable connectors	X	
	Flexible connections for vacuum and exhaust equipment	25	
	Mandrels for surgical tubing	X	
	Molds	X	
	Sand and shot blast equipment	X	
	Press die pads, draw sheets and embossing beds	X	
	Bulging rubbers	X	
12-F	Household and appliance products:		
	Refrigerator and freezer parts:		
	Gasket, door	X	
	Gasket, liner opening	X	
	Collars, throat	40	
	Glass and panel seals	40	
	Tubing, beverage dispensing	40	
	Tubing, drain—molded	25	
	Terminal seal bushings for compressors	X	
	Rollers, tray	0	
	Freezer lid assembly	0	
	All other parts not elsewhere listed	0	
	Vacuum cleaner and sweeper parts:		
	Extensible drive belt	X	
	Bag seal	0	
	Flexing bellows and diaphragms	40	
	Brush guards, collars, and holders	40	
	Sweeper tires and wheels	0	
	Electrical conducting parts	X	
	Grips	0	
	Functional bumper guards with undercuts and retaining buttons	25	
	All other parts not elsewhere listed	0	
	Clothes-washing, dish-washing, drying, and ironing machine parts:		
	Wringer rolls	0	
	Agitators	25	
	Tub and lid gaskets	25	
	Extensible belts—drive	X	
	Drive pulley	X	
	Collapsible tubs	X	
	Flexing boots and diaphragms	X	
	Extruded drain hose or tubing	0	
	Formed pressure tubing	30	
	Couplings and nozzles	15	
	Unconfined lip door gasket	X	
	Water seals	0	
	Flexible pump rotors	40	
	Pump valves—flexing	X	
	All other parts not elsewhere listed	0	
	Miscellaneous houseware accessories:		
	Strain relief grommets—electric irons, etc	40	
	Light colored molded parts	0	
	Chair tips	0	
	Strainers, sink and drain	0	
	Pans, dust	0	
	Water aerator	0	
	Sewing machine drive pulley and belts	X	
	All other parts not elsewhere listed	0	
	Plumbing specialties:		
	Ball cock washers	10	
	Force cups	0	
	Gaskets and valves designed for back flow preventors	X	
	Tank balls designed for flush valves core molded;		
	With base opening ¾" and less	45	
	With base opening over ¾"	25	
	Floor flange gaskets	0	
	All other plumbing specialties	0	
12-G	Milk and food handling equipment:		
	Milk and milking equipment:		
	Bottle filler rubbers	0	
	Bowl rings	25	
	Parlor milking gasket	X	
	Gaskets, washers, and couplings:		
	45 durometer or under	35	
	Over 45 durometer	0	
	Milking inflations and cup caps	X	
	Teats for calf feeder pails	X	
	Tubing including duplex, milk, vacuum, air, and stanchion:		
	45 durometer or under	X	
	Over 45 durometer	0	
	Straps, surcingle	9	
	Milk—pasteurizer plate gaskets	X	
	Food and beverage processing and dispensing equipment:		
	Chicken pickers	35	
	Cherry pitters	X	
	Corn husking roll—(canning) under 45 durometer	X	
	Can testers	X	
	Molded fittings for beverage handling	X	
	Stop for ice cream cone dispenser	X	
	Rice polishing blocks	X	
	All other parts not elsewhere listed	0	
12-H	Mining equipment:		
	Air chambers for conset jigs	X	
	Flotation parts, including liners for cells, impellers, and shafts	X	
	Stator & rotor tubes	X	
	Ore car liners	25	
	All other parts not elsewhere listed	0	
12-I	Oil field specialties:		
	Drill pipe protectors	45	
	Packers—production and test without fabric	25	
	With fabric	20	
	Packers, open hole	X	
	Packers, cement retaining	X	
	Packers, casing	35	
	Blowout preventers	X	
	Gland packings	X	
	Slush pump, pistons and liners for fluid packed pumps	X	
	Stabilizers and wire line guides	0	
	Stuffing box rings—polished rod	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-I	Oil field specialties—Continued		
	Slip pads	25	
	Strippers (pressure pack-off)	X	
	Pipe and wire line wipers	X	
	Swab rubbers and lining bumpers	10	
	Testing and cementing equipment	25	
	Valves, cups and discs	X	
	Valve inserts	0	
	All other parts not elsewhere listed	0	
12-J	Miscellaneous mechanical goods and textile industry equipment:		
	Parts for manufacture of rayon:		
	Parts that come in contact with rayon filament	X	
	All other parts	0	
	Parts for Cellophane	0	
	Textile equipment:		
	Pickers, all types	X	
	Lug straps	45	
	T-strap	0	
	Card clothing	X	
	Draw rolls—30 durometer	X	
	Bolsters, fabric shrinking	X	
	Take-up roll covering	X	
	Hold-ups, and sweep sticks	12	
	All other parts not elsewhere listed	0	
	Laboratory supplies:		
	Tubing:		
	45 durometer and under	X	
	Over 45 durometer	0	
	All other parts not elsewhere listed	0	
	Industrial tubing:		
	45 durometer and under	----------	
	Over 45 durometer	0	
	Traffic counter tubing	X	
	Soft rubber alkaline storage batteries and parts	0	
	Billiard and pool table cushions	X	
	Brake and hydrant expander tubing	X	
	Brush setting compounds	X	
	Budding strips	X	
	Cast rubber products	50	Natural rubber latex only permitted.
	Casters and molded wheels:		
	Under 4" dia	0	
	4" and over	5	By weight.
	Conductive caster wheels	X	
	Core molded parts not elsewhere listed	25	
	Cutting rubbers not elsewhere listed	0	
	Dam and lock-gate seals	0	
	Flexible bags and parts for forming operations in manufacturing plants.	X	
	Flexible couplings—torque	X	
	Flexible sanding and buffing pads	5	
	Gas main bags	X	
	Goggles and parts	25	
	Industrial balls:		
	45 durometer and under	X	For vibration screens and ball mills.
	Over 45 durometer	0	
	Industrial vacuum or suction cups	X	For use in manufacturing operations only.
	Insulation tubing	25	Cork or fiber loaded.
	Labels	X	
	Mine safety lamp parts	X	
	Molded annular tires	----------	Black only.
	Light and medium duty	0	
	Heavy duty	40	
	Molded boots and dust seals	0	
	Rebound discs for well drilling	X	
	Molded parts attached to adjacent parts by integral undercut buttons, and grommets. Not elsewhere listed.	25	
	Mountings, shock absorbers, dampers and vibration insulators:		
	Under 50 durometer	X	
	50 durometer and over	40	
	Pressure sensitive signal controls	10	
	Sandblast stencil sheet for monument work	25	
	Seals for electrolytic condensers	X	
	Tubular grips, including cork or fiber-loaded	0	
	Windshield wiper blades, squeegee rubber and wiper dies	X	
	X-ray sheets	X	
	Belt idler channel	0	
	Parts for ladders	0	
	Mallets	0	
	Traffic cones and markers	0	
	All other parts not elsewhere listed	0	
	Tires, parts for bicycles, toy vehicles, and lawn mowers	----------	Black only.
	Handle grips	0	
	Fender flaps or splash guards	----------	Same as automotive, Code 12-B.
	Pedal pads	0	
	Dodgem bumpers	25	
	All other parts not elsewhere listed	0	
12-K	Printing rubber products:		
	Printing rollers:		
	Newspaper rollers:		
	Form	X	
	Ductor	X	
	Letter press rollers	X	
	Gravure & impression	X	
	Printing rolls to be coated with composition having durometer less than 20.	20	
	All other printing rollers not elsewhere listed	0	
	Printing rubbers:		
	Cutting rubbers	X	
	Pottery dies	X	
	Engraving rubbers	15	
	Plate backing friction and filler	15	
	Stiff plate backing	X	
	Etching plates	X	
	Molded stencil sheet for sand or grit blasting	X	
	Adhesive fabric, including brass adhesive	X	
	Band dater fabric	X	
	Printing blankets for offset, newspaper and lithograph	X	
	Rubber solution for wet plate negative	X	
	Paper pick-up suction cups	X	For printing press only.
	All other printing rubbers not elsewhere listed	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-L	Rolls and roll coverings:		
	Suction press roll covering	X	
	Paper mill roll covering	X	
	Textile	X	
	Other industrial roll covering	X	25% of the total new rubber used in any month may be natural rubber.
	All other roll coverings not elsewhere listed	0	
12-M	Rubber protected or lined equipment:		
	Tank cars, barges and trucks	X	
	All other	X	
12-N	Mats and matting:		
	Switchboard—not less than ¾" thick for 3,000 volts and over	30	Black only.
	Roll matting and stair treads	0	
	Perforated mat	0	
	Link and molded door mats	0	
	Bath mats	0	
	All other mats not elsewhere listed	0	
12-O	Safety respiratory equipment: Breathing apparatus, safety masks and respirators, including parts.	X	
12-P	Hard rubber products		Restrictions on line, type, quality or style do not apply.
	Ball gauges and molded tie rods	50	
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, packs, and trays.	15	
	Bleaching rods	X	
	Blown work	X	
	Combs	50	
	Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals.	50	
	Knife handles	35	
	Dye sticks	X	
	Bowling balls	20	
	Industrial flashlight parts	65	
	Insulated tools	20	
	Jack strips	30	
	Microporous battery separators	X	
	Mouth pieces for musical instruments	X	
	Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals.	50	
	Pipe and fittings	10	
	Pipe bits	15	
	Plating barrels and parts	30	
	Potentiometer cards	X	
	Refrigerator parts	X	
	Rod and tubing for fountain pen parts	X	
	Rods up to .040" diam	X	
	Rods .040" diam. incl	35	
	Rods over ⅛" diam	20	
	Sheets 1/16" thick or less	X	
	Sheets over 1/16" to ¼" thick incl	50	
	Sheets over ¼" thick	30	
	Tubing up to and incl. 1/32" wall	X	
	Tubing over 1/32" to ⅛" wall incl	50	
	Tubing over ⅛" wall	30	
	Cafeteria trays	50	
	Steering wheels	10	
	Hard rubber parts for alkaline storage batteries	35	
	Heavy duty battery cases over 15#	50	
	Hand wrapped battery cases	30	
	Submarine battery jars	50	
	Storage battery cases where product of tensile and elongation is 10,000 pounds or more.	50	
	Ventilating parts for submarines—hand wrapped	X	
	Ventilating parts for submarines—molded	50	
	Parts for submarines not elsewhere listed	50	
	Telephone commutator inserts	50	
	Tubular retainers	60	
	Parts for water meters	X	
	X-ray and photo tanks	30	
	Forming tanks	40	
	Connecter stocks	30	
	Parts not elsewhere listed	0	
12-Q	Industrial equipment: Industrial abrasive implements		The over-all monthly consumption of natural rubber shall not exceed 60% of the total new RHC consumed. Restrictions on line, type, quality, style, and color do not apply.
12-R	Brake linings, brake blocks and clutch facings		The over-all monthly consumption of natural rubber shall not exceed 40% of the total new RHC consumed. Restrictions on line, type, quality, style, or color do not apply.
13	Wire and cable		Except where required for circuit identification, rubber compounds and cable shall be furnished as: Insulation compounds in natural or black color only; jacket compounds black color only. Restrictions on line, type, quality, and style do not apply.
13-A	Insulation compounds:		
	Insulation for power and control cable or for building wire rated at 2000 V (phase to phase) or less and which has insulation wall thickness of more than 25 mils.	0	
	Insulation compounds having thickness of 25 mils or less	X	
	For all types of insulated wire and cable in excess of 2000 V (phase to phase).	70	
13-B	Sheaths and jackets:		
	Sheaths and jackets for operation at temperature of −40° C or higher.	0	
	Sheaths and jackets for operation at temperatures lower than −40° C.	X	
13-C	Cements and nonreinforced tapes incidental to manufacture, repair, or installation of cables.	70	

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
14	Rubber footwear	70	Group average percent. No type rubber footwear shall contain more than 98% natural rubber. Line, type, quality, style, or color optional.
15	Shoe products		Line, type, quality, style, or color optional.
15-A	Heels and soles:		
	Heels, soles and other specialized materials, manufactured by rubber heel and sole manufacturers, used in the manufacture and repair of shoes and excluding those items covered by other subsections of this code.	5	

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
15-A	Soles	X	DO orders for black, full length, cleated soles for "Tropical Army Combat Boots" and "Ski-Mountain Army Boots."
	Heels	60	DO orders for tan, neutral, white, and nonmarking black heels, except whole heels. For the Armed Forces, Fed. Spec. ZZHI4IA.
	Soling	85	DO orders for Arctic boot soling for the Armed Forces (U. S. Army Spec. Mil-B-2289).
	Crepe soles, heels, welting and wrappers	0	The consumption, production or sale (other than to G. S. A., unless specifically authorized by G. S. A.) of natural RHC for crepe soles, heels, welting and wrappers is prohibited. Only exception: Existing inventories as of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed.
15-B	Inner shoe cushions and pads	X	
15-C	Orthopedic appliances	X	
15-D	Impregnated insoles, impregnated box toes, impregnated midsoles	----------	
15-E	Materials used in the manufacture of shoes and incorporated therein for the operations of combining, coating, finishing, laminating, impregnating, and proofing.	----------	The over-all monthly consumption of natural rubber shall not exceed 50% of the total new RHC.
15-F	Shoe tapes	X	
15-G	Cements for the manufacture and repair of shoes and component parts	X	
15-H	Cements for manufacturing welting for shoes	----------	Natural rubber latex only.
16	Cements	----------	Color options.
16-A	Cements for all purposes	----------	The over-all monthly consumption of natural rubber shall not exceed 67% of the total new RHC.
16-B	Miscellaneous uses: For manufacture of products covered by all code numbers in this Appendix A.	X	
17	Proofing, combining or coating of fabric	----------	In products where natural rubber is permitted, no product shall contain a higher percent of natural rubber than a comparable product produced during the base period. Color optional. Restrictions on one line, type, quality and style do not apply.
	Covering material for transportation equipment	0	
	Film and coated materials for medical, health, and safety products	40	
	Anchor coats: spread, frictioned, or impregnated directly on fabric, or other material to be later calendered or spread.	100	
	Seaming tapes and strapping	100	
	Cements used in assembly of other products here listed	100	
	Diving and life-saving equipment	100	
	Industrial and protective apparel	40	
	Industrial specialty products	50	
	Except low temperature diaphragm material	100	
	Flocked and imitation sueded materials	0	
	Except adhesive coating for anchoring the flock	100	
	Aprons or liners for handling in-process stock	40	
	Civilian utility products	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18	Drug sundries, medical, surgical, dental, veterinary and mortuary	----------	Line, type, quality, style, or color optional.
18-A	Adhesive products:		
	Bunion pads and plasters	50	
	Corn plasters	50	
	Medicated foot pads and plasters	50	
	Surgical adhesive tape	50	
	Self-adhering tape and gauze bandage	X	
18-B	Bulbs—Including parts	60	
	Medicine dropper bulbs	65	
	Household bulbs	45	
18-C	Dental products:		
	Dental dam	X	
	Dental polishing tips	X	
	Denture rubber	65	
	Orthodontic bands	X	
	Denture suction and model formers	60	
18-D	Flat goods:		
	Fountain syringe bags, molded, and tubing	45	
	Fountain syringe bags, hand-made, and tubing	75	
	Ice bags—molded	45	
	Ice bags—hand-made	60	
	Invalid cushions—molded	45	
	Invalid cushions—hand-made	60	
	Operating cushions	60	
	Water bottles and combinations, molded and tubing	45	
	Water bottles—hand-made	60	
	Latex fountain syringe bags and tubing, ice bags and bulbs	0	
18-E	Gloves and cots:		
	Finger cots—including industrial and agricultural	X	
	Surgeons gloves	X	
	Net-lined hand-made gloves	75	
	Electricians' gloves, sleeves and climber guards	X	
	Industrial and general purpose gloves	X	
18-F	Infant goods:		
	Infant feeding nipples	X	
	Nurser bottle caps	X	
	Pacifiers	X	
	Breast shields	X	
	Teethers and teething rings	35	
	Baby pants	X	
	Unsupported rubber sheeting	45	
18-G	Miscellaneous sundries:		
	Bath caps	60	40% of base period monthly average of natural rubber (dry or latex) consumed in bath caps permitted monthly.
	Blood pressure bags	X	
	Catheters, glass molded	65	
	Catheters, latex	X	
	Castrator rings	45	
	Garter buttons	----------	60% natural rubber of the total RHC permitted.
	Hard rubber pipes, connections and accessories	30	
	Penrose tubing	X	
	Colostomy outfits	X	
	Crutch bags	X	
	Crutch bags, sponge	60	
	Dilators	X	
	Inhalation bags and face pieces	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
F-G	Miscellaneous sundries—Continued		
	Miscellaneous medical instrument parts	X	
	Prostatic bags	X	
	Prosthetic devices	X	
	Orthopedic parts, sponge	60	
	Respirator seal for iron lungs, sponge	X	
	Rubber bands and cushions for artificial limbs	X	
	Medical stopples	X	
	Tourniquets	X	
	Truss pads	X	
	Urinals	X	
	Vaccine caps	X	
	Veterinary sleeves	X	
	Bath sprays and parts	18	Average.
	Toilet and bath sponges	25	
	Bath socks	X	
	Tension tape	75	
	Rubber sheets for mortuary garments	X	
18-H	Pessaries and prophylactics	X	
18-I	Sheet goods:		
	Bandage gum	X	
	Oxygen tent canopies	X	
18-J	Tubing: Surgical tubes and tubing	X	
18-K	Ladies personal sanitary items:		
	Dress shields	X	
	Bloomer protective plates	X	
	Sanitary aprons	X	
	Unsupported girdles	X	
	Supported girdles	X	
	All items not elsewhere listed	0	
19	Flotation equipment: Pontoons, rafts, boats, buoys, etc	----------	Government orders only. Natural rubber permitted as required.
20	Life-saving equipment: Suits, jackets, vests, belts, etc	----------	Government orders only. Natural rubber permitted as required.
21	Bullet sealing fuel cells	X	
22	Miscellaneous	----------	
22-A	Athletic goods	----------	Line, type, quality, style or color optional.
	Golf balls	85	
	Golf club grips	25	
	Tennis balls	81	
	Inflatable athletic balls	53	
	Inflatable playground balls	53	Maximum diameter 10 inches.
	Squash balls	60	
	Hand balls	60	
	Lacrosse balls	60	
	Rubber-covered baseballs	60	
	Baseball centers	10	
	Rubber-covered softballs	60	
	Ear and nose protective plugs	X	
	Cement for repair kits	X	
	Boxers' teeth protectors	80	
	Athletic bladders	10	Maximum monthly average.
	Athletic bladder valves	85	
	Gun pads	10	
	Lead tennis racquet weights	40	
	Swim fins	35	
	Nose clips	----------	Natural rubber latex permitted.
	All items not elsewhere listed	0	
22-B	Balloons	----------	Line, type, quality, style, or color optional. Natural rubber latex only permitted.
22-C	Sponge rubber	----------	Line, type, quality, style, or color optional.
	Nitrogen blown	----------	60% natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only.
	Chemically blown	----------	45% natural rubber to total RHC permitted. Maximum monthly average.
	Kneeling pads	0	
	Church kneeler	0	
	Wallpaper cleaners	0	
	Floor mops	0	
	Seat cushions	0	
	Firemen's landing pads	0	
	Typewriter pads	0	
	Breast pads	0	
	Sponge balls	0	
	Sponge toys	0	
	Sponge novelties	0	
22-E	Miscellaneous products:		
	Radio, radar and fire control instruments	X	
	Parachute bands and ventilating rings	X	
	Chlorinated and cyclized rubber	X	
	Flavored masticating gum	X	
22-F	Pressure sensitive tape	----------	Line, type, quality, style, or color optional.
	Color decorative tapes	0	For household use sold in lengths less than 1,292 inches.
	General purpose cloth-backed tapes	20	
	Double-faced cloth-backed tapes	20	Adhesive only.
	Nonfibrous film-backed tapes	30	Adhesive only.
	Sand blast stencil tapes	40	Adhesive plus backing.
	Cloth-backed photographic tapes	36	
	Paper-backed tapes, as follows	50	Combined adhesive and impregnating compositions.
	General purpose masking tapes		
	Frozen food packaging tapes		
	Photographic tapes		
	Double-faced tapes		
	Drafting tapes		
	Shoe tapes		
	Extra-strength tapes		
	Super-strength tapes		
	Printed utility tapes and sheets	----------	
	Tapes with backings of nonfibrous film laminated to paper	50	Combined adhesive laminating and impregnating compositions.
	Electrical tapes	X	Not elsewhere listed.
	High-temperature tapes	X	
	Non-staining tapes	X	
	High-strength tapes	X	Tensile strength more than 100 lbs. per inch width.
	Protective paper tapes	X	
	Other tapes	X	Purchased by Government to Federal specifications.
22-G	Stationer's supplies,		
	Erasers	10	Line, type, quality, style, or color optional. Percent of natural rubber to total new rubber hydro-carbon.
	Pen sacs	X	Natural rubber latex only permitted.
	Rubber bands	75	
	Finger tips	35	
	Mucilage spreaders	35	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
22-H	Thread and related products: Rubber thread	X	Natural rubber latex permitted. 6 colors and 11 sizes permitted.
22-K	Toys		Line, type, quality, style, or color optional.
	Latex toys		Natural rubber latex only permitted.
	Doll skins	X	
	Dipped beach balls	70	
	Slush-molded toys	50	
	Crib toys	X	
	Molded (dry rubber) toys		40% base period monthly average of rubber consumed in molded (dry rubber) toys permitted monthly.
	Core-molded dolls and parts	45	
	Inflated dolls	45	
	Inflated balls	45	
	Hand-made water toys	45	
	All items not elsewhere listed	0	
22-L	Rubber flooring, floor covering, wall covering		Line, type, quality, style, or color optional.
	Rubber tile flooring	0	
	Coating for fiber floor covering	0	Natural rubber latex permitted.
	Wall covering	0	
22-M	Rubberized fiber and hair cushioning	0	Color optional. Natural rubber latex only permitted.

Code No. (1)	Product (2)	Percent natural rubber to total RHC (3)	Special restrictions or provisions (4)
23	Latex foam products		Line, type, quality, style or color optional.
	Bedding:		
	Mattresses	X	
	Mattress toppers	X	
	Pillows	X	
	Automotive toppers	55	
	Furniture—transportation seating	75	
	Uncored slab	60	
	Miscellaneous molded parts	75	
24	Any product other than products listed in codes 1 to 23 inclusive	0	

[NPA Order M-3, as Amended April 6, 1951]

M-3—Columbium- and Tantalum-Bearing Steels—Production and Use

Editorial Note: The following is a complete restatement of NPA Order M-3, embodying all changes effected by the amendment to said Order M-3 as published in the Federal Register, April 10, 1951, 16 F. R. 3118.

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-3, as amended March 15, 1951, by amending section 2; redesignating sections 5 to 9, inclusive, as sections 6 to 10, inclusive, respectively; and adding a new section designated as section 5. As so amended this order reads as follows:

Sec.
1. What this order does.
2. DO ratings required.
3. Use of substitutes.
4. Restrictions.
5. Conservation of scrap.
6. Exceptions.
7. Application for adjustment or exception.
8. Communications.
9. Records and reports.
10. Violations.

Authority: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this order does.* This order applies to columbium- and tantalum-bearing steels and to the producers, dealers and users thereof. In view of the fact that columbium, ferro-columbium and ferro-columbium-tantalum are in short supply, it is essential that the production, distribution and use of columbium- and tantalum-bearing steels be limited to DO rated orders and NPA directives. This order, in addition, prohibits the use of columbium-bearing steels in any application or process where columbium - tantalum - bearing steels may be used as a substitute for columbium-bearing steels; forbids the use of either if the use of any other substitute will meet the requirements of the use to be made of the material; and restricts the use of columbium and tantalum in the production of steel.

Sec. 2. *DO ratings required.* Except as may be otherwise ordered by NPA, no columbium- or columbium-tantalum-bearing steels shall be produced, sold, delivered, or purchased except pursuant to DO rated orders or NPA directives: *Provided,* That with respect to columbium- or columbium-tantalum-bearing steels, the rating DO-01 shall be valid for deliveries on and after July 1, 1951, only when supported by a certification that delivery of the quantity specified as and when ordered has been approved and authorized by the Aircraft Production Resources Agency. Such certification shall be as follows:

Certified as approved by APRA.

Such certification shall constitute a representation by the purchaser to the supplier and to NPA that the purchaser has been duly authorized by the Aircraft Production Resources Agency to accept delivery of such steel, and is entitled to accept such delivery as permitted in this order.

The certification required by this section shall be in addition to the certification required by NPA Reg. 2.

Sec. 3. *Use of substitutes.* No columbium-bearing steel shall be used or incorporated in any product or material if columbium-tantalum-bearing steel will meet the requirements for the use to be made of the product or material. In no case shall any columbium- or columbium-tantalum-bearing steel be used or incorporated in any product or material if any substitute therefor will meet the requirements for the use to be made of the product or material.

Sec. 4. *Restrictions.* No person shall produce any columbium- or columbium-tantalum-bearing steel if the material specifications for the same require the ratio between columbium (or columbium-tantalum) and carbon to be greater than eight to one as a minimum.

Sec. 5. *Conservation of scrap.* No person shall dispose of any columbium- or columbium-tantalum-bearing scrap which is fit for remelting except for use in the production of columbium- or columbium-tantalum-bearing steel.

Sec. 6. *Exceptions.* This order shall not prohibit the completion of the production and the delivery of materials or products containing columbium or tantalum in any form previously ordered and accepted, which by reason of the condition or nature of the materials or products cannot, without excessive loss of yield, be used in connection with DO rated orders, nor shall it prohibit the

use, in filling DO rated orders, of columbium-bearing steel or columbium-tantalum-bearing steel held at the effective date of this order, as amended, in the inventory of a producer or fabricator of steel products.

SEC. 7. *Application for adjustment or exception.* Any person affected by any provision of this order may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him not suffered generally by others, or that its enforcement against him would not be in the interest of the national defense program. All such applications should be addressed to National Production Authority, Washington 25, D. C., Ref: M-3.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-3.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on April 6, 1951.

Issued: April 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

No. 70——4

[NPA Order M-12 as amended April 9, 1951]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-12 by adding a new paragraph (d) to section 9. As so amended, NPA Order M-12 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Copper forms and products to which this order applies.
4. Application of order.
5. Production of brass mill products, copper wire mill products, and foundry products.
6. Use of copper forms and products.
7. Prohibited uses of copper.
8. Maintenance, repair, and operating supplies.
9. Exemptions.
10. Inventories.
11. Restrictions on delivery.
12. Applications for adjustment.
13. Records and reports.
14. Communications.
15. Violations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the copper remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that copper and articles made of copper, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply shall be substituted for copper and copper-base alloy wherever possible.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, incorporate into products, fabricate, or otherwise alter the forms and products of copper defined in section 3 by physical or chemical means, and includes the use of copper in plating.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however,* That neither maintenance nor repair includes the improvement of any such item with materials of a better kind, quality, or design.

(e) "Operating supplies" means any copper or copper-base alloy forms or products listed in section 3 of this order which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

SEC. 3. *Copper forms and products to which this order applies.* This order applies to the following forms and products of copper: Copper, copper-base alloy, brass mill products, copper wire mill products, and foundry copper products and copper-base alloy products. For the purpose of this order, these items are defined as follows:

(a) "Copper" means unalloyed copper. (It includes electrolytic copper, fire refined copper, and all unalloyed copper in any form including scrap.)

(b) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It shall include fired and demilitarized cartridge and artillery cases, and all copper-base alloy, as specified above, in any form including scrap.) It does not include alloyed gold produced in accordance with U. S. Commercial standard CS67-38.

(c) "Brass mill product" means sheet, including strip and plate; rod, including bars, forgings (rough as forged), and extruded shapes; wire; or tube, including pipe; made from copper or copper-base alloy. This does not include copper wire mill products.

(d) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable, where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(e) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (Includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

SEC. 4. *Application of order.* Subject to the exemptions stated in section 9, this order applies to all persons who produce brass mill products, copper wire mill products, or foundry products as listed in section 3 of this order, or who use any of the forms and products of copper defined in paragraphs (a), (b), (c), (d), and (e) of section 3 for the purpose of manufacture, use in installation or construction, or for maintenance,

repair, or operating supplies. This order also contains limitations on the use of such copper forms and products in the manufacture or assembly of certain items. This order does not apply to persons who use copper or copper-base alloy in the production of other metals or metal alloys.

SEC. 5. *Production of brass mill products, copper wire mill products, and foundry products.* Subject to the exemptions stated in section 9 of this order or unless specifically directed by the National Production Authority:

(a) No person shall produce during the following months a total quantity by weight of brass mill products and copper wire mill products in excess of the percentages specified with respect to each month of his average monthly production of such products during the base period:

	Percent
January 1951	85
February 1951	85
March 1951	80

During the calendar quarter commencing on April 1, 1951, no person shall produce a total quantity by weight of brass mill products and copper wire mill products in excess of 80 percent of his average quarterly production of such products during the base period: *Provided, however,* That such production in any 1 month shall not exceed 40 percent of the permitted quarterly production. The production of brass mill products and copper wire mill products, pursuant to a valid toll or conversion agreement or other arrangement whereby title to the material to be processed remains vested in the person who delivers it, is permitted in addition to the production permitted by this paragraph. In determining average monthly production during the base period, the brass mill products and copper wire mill products so produced shall not be included in the base period production of the brass mill or wire mill. Nothing contained in this paragraph shall affect the restrictions on toll and other similar agreements contained in NPA Order M–16.

(b) During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, no person shall produce a total quantity by weight of foundry products in excess of 100 percent of his average quarterly production of foundry products during the base period.

SEC. 6. *Use of copper forms and products.* Subject to the exemptions stated in section 9 of this order, or unless specifically directed by the National Production Authority, no person shall use in manufacture, installation or construction:

(a) During December 1950, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 of this order in excess of 100 percent of his average monthly use of such material in October and November 1950.

(b) During the following months a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of the percentages specified with respect to each month of his average monthly use of such material during the base period:

	Percent
January 1951	85
February 1951	85
March 1951	80

(c) During the calendar quarter commencing on April 1, 1951, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of 75 percent of his average quarterly use of such copper during the base period: *Provided, however,* That such use in any 1 month shall not exceed 40 percent of the permitted use.

(d) During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, a total quantity by weight of foundry products in excess of 100 percent of his average quarterly use of such products during the base period: *Provided, however,* That in cases where a foundry product in the form of a casting is owned by one person and machined pursuant to a contractual agreement by another person, it shall be considered that the owner used the casting in manufacture.

SEC. 7. *Prohibited uses of copper.* (a) Commencing on March 1, 1951, no person shall use copper in the forms and products defined in section 3 of this order, or any component part made therefrom, in the manufacture or assembly of any item included in attached List A, except as permitted therein; and no person shall use in the manufacture or assembly of any item, whether or not included in List A, a greater quantity or better grade of such materials than is necessary for functional or operational purposes, or use such materials solely for decorative or ornamental purposes. However, these prohibitions shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after March 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A; or (2) any such materials covered by an order placed with a producer and included in the producer's schedule for February 1951, which are delivered to such person at his plant prior to April 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of December 1950, and of January, February and March 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List A; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after March 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(b) Commencing on April 1, 1951, no person shall use copper in the forms and products defined in section 3, or any component part made therefrom, in the manufacture or assembly of any item included in attached List B, except as permitted therein. However, this prohibition shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after April 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A or List B; or (2) any such materials that have been covered by any order placed with a producer which were included in the producer's schedule for March 1951, and are delivered to such person at his plant prior to May 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A or List B. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of January, February, March and April 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List B; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after April 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials, together with the applicable mill schedule. Such record shall be retained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, copper or copper-base alloy may be used: (1) For plating any item included in List A or List B, or any component part thereof, where such plating is an undercoat for chromium, nickel, gold or silver; or (2) for brazing any item, or component part thereof, included in List A or List B.

(d) During February 1951, no person shall use in the manufacture or assembly of the items included in attached List A a total quantity by weight of the copper forms or products defined in paragraphs (a), (b), (c) and (d) of section 3, or any component part made therefrom,

in excess of 85 percent, or of the foundry products defined in paragraph (e) of said section, or any component part made therefrom, in excess of 100 percent of his average monthly use of such materials for such purposes during the base period. During March 1951, the same limitations shall apply to the manufacture or assembly of the items included in attached List B, except that the percentage limitation as to the copper forms and products defined in paragraphs (a), (b), (c) and (d) of section 3 shall be 80 percent instead of 85 percent. To the extent that manufacture or assembly of the items on attached List A or List B is permitted under paragraphs (a) or (b) of this section, the limitations of section 6 of this order, shall also apply during March 1951 and each succeeding month.

(e) Commencing on April 1, 1951, no person shall use in construction any brass mill product as such for any item included in List A or List B except as permitted therein.

(f) The following items included in List A or List B shall be exempt from the application of this section if they are used on vessels other than pleasure craft: (1) Furnishings, fittings, and fixtures when located within the sphere of magnetic compasses; and (2) builders' hardware, building materials and snap hooks where the properties supplied by copper are essential and satisfactory substitutes not available.

(g) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders and are not affected by any of the exemptions stated in section 9 of this order: *Provided, however,* That such provisions of NPA Reg. 2 and paragraphs (a) and (b) of section 9 apply to such items included in attached List A or List B as are specifically designated as being permitted for the use of the Armed Forces of the United States, including the United States Coast Guard.

(h) Any component parts of items included in List A or List B which are manufactured or assembled within the limitations of paragraphs (a) or (b) of this section may be sold at any time and the purchaser thereof may assemble these component parts into items included in List A or List B at any time provided these component parts are wholly unsuitable for use in the production, manufacture, or assembly of any item not prohibited by this section.

SEC. 8. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance, repair, and operating supplies a quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d), and (e) of section 3 of this order, in excess of 100 percent of his average quarterly use for such purposes during the base period.

SEC. 9. *Exemptions.* (a) The production of brass mill, copper wire mill, and foundry products and the use of such products is permitted to fill rated orders, or to meet any mandatory order of the National Production Authority, in addition to the production and use permitted by the provisions of sections 5, 6, and 8 of this order.

(b) Copper forms and products defined in section 3 acquired with ratings, or to meet a National Production Authority scheduled program may be used in addition to the quantities permitted by the provisions of sections 6 and 8.

(c) The provisions of sections 6 and 8 do not apply to persons who use less than 1,000 lbs. of the copper forms and products defined in section 3 during any calendar quarter: *Provided, however,* That persons who by reason of the provisions of sections 6 and 8 would be permitted to use less than 1,000 lbs. during any calendar quarter, may use, during such period, a quantity up to 1,000 lbs.

(d) Procurement and use by electric utilities of copper wire mill products, brass mill products, and foundry products are subject to NPA Order M–50 and are accordingly exempt from this order.

SEC. 10. *Inventories.* (a) In addition to the provisions of NPA Reg. 1 relating to inventory controls, it is considered that a more exact requirement applying to producers of brass mill products, copper wire mill products, and foundry products, and to users of the copper forms and products defined in section 3 of this order is necessary.

(b) No person producing brass mill products, copper wire mill products, or foundry products may receive or accept delivery of copper or copper-base alloy if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

(b) No person obtaining copper forms or products defined in section 3 for use in manufacture, installation, or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of such forms and products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

(d) For the purpose of this section, any copper forms and products defined in section 3, in which minor changes or alterations have been effected, shall be included in inventory. NPA Reg. 1 will apply to all such forms and products except as modified by this section.

SEC. 11. *Restrictions on delivery.* (a) No person shall deliver any of the forms and products of copper defined in section 3 of this order, if he knows or has reason to believe that his customer may not accept delivery of such materials under this order or will use such materials in violation of this order.

(b) No person shall deliver any copper forms or products defined in section 3 unless the purchaser shall have furnished to the seller a signed certification as follows:

> The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the copper forms or products herein ordered will not be in violation of NPA Order M–12.

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that delivery of such copper forms or products may be accepted by the purchaser under this order, and that such materials will not be used by the purchaser in violation of this order.

(c) The certification required by paragraph (b) of this section shall not be required in connection with the delivery of copper forms and products (1) to the General Services Administration for the stockpile of strategic materials; (2) to purchasers where delivery is made prior to April 1, 1951, pursuant to an order received prior to February 19, 1951; (3) to purchasers of quantities weighing 25 pounds or less; (4) to purchasers in foreign countries; or (5) in connection with the delivery of scrap.

SEC. 12. *Applications for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Producers shall make such application on Form NPAF–11, "Copper and Copper-Base Alloys: Producer's Application for Adjustment or Exception." Users shall make application on Form NPAF–12, "Copper Forms and Products: User's Application for Adjustment or Exception." Copies of these forms may be obtained from the nearest Department of Commerce Field Office.

SEC. 13. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained of production, inventories, receipts, deliveries, and uses of copper forms and products defined in section 3 of this order commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 14. *Communications.* All communications concerning this order shall be addressed to the National Production

Authority, Washington 25, D. C. Ref: M-12.

SEC. 15. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended, including Lists A and B, shall take effect, except as otherwise specifically stated, on April 9, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

(See section 7)

The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided, however,* That such material may be used in such items included in the list as are marked with an asterisk in cases where such items are to be used by the Armed Forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Butts, hinges and related items.
Checking floor closers, overhead concealed, semi-concealed and surface door closers (except gland nuts, regulating screw assemblies, and fusible links).
Closers, hanging brackets for.
Closers, screen door.
Cabinet hardware, including cabinet hinges.
Hangers, track and related items including:
  Sliding door hardware.
  Folding door hardware.
  Sliding-folding door hardware.
  Folding partition hardware.
  Upward acting door hardware.
  Fire door hardware (except bearings and fusible links).
Hardware for sash, screen, transom and casement and other shelf hardware items.
Locks, lock trim (except for cylinder assemblies and keys, for essential working parts of locks and latches, for faces of locks and latches and for trim of cylinder lock sets).
Spring hinges.
Sash balances.
Door holding devices.
Kick plates.
Push plates.
Door pulls.
Push bars.
House numbers.
Door knockers.
Letter boxes.
Nameplates.

BUILDING MATERIALS

Anchors and dowels (except window cleaner's safety anchors).
Bands on pipe insulation.
Bathtub enclosures and shower enclosures.
Blinds, including fixtures and fittings (except where essential for operating parts).
Caulking anchors.
Cement flooring and composition flooring (except that crude arsenical copper precipitate may be used for flooring in hospital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).
Chimneys and flues.
Conduits (except instrument assemblies).
Cornices.
Door sills.
Door frames.
Doors.
Downspouts and accessories thereto.
Drains (except strainer grids for showers and urinals).
Drip pans.
Elevators and escalators (except for worm gears and parts for conducting electricity).
Escutcheons and plates for floor, ceiling and wall use.
Fences and gates.
Food waste disposal units (except current-carrying parts, bearings, controls, impellers and sink strainers).
Gratings.
Grids (except for flooring in hospital operating rooms and anesthesia rooms, and for places where explosives are handled or stored and for places where explosive vapors may be present).
Grilles and shields, including fresh air inlet boxes and radiator and convector enclosures.
Gutters and accessories thereto.
Holdback hooks for curtains.
I. P. S. waste nipples.
Lavatory legs (except for hospital use).
Leaders and accessories thereto.
Linoleum stripping.
Louvres.
Marquees.
Metal siding.
Mouldings for joining cabinet sinks.
Ornamental metal work; including grille work, railings, and fittings.
Pipe, iron pipe sizes and fittings (except for industrial process piping and chemical and gas equipment and except for solder nipples, solder bushing and ferrules).
Radiator covers and shields.
Railings and fittings.
Reglets, moulding and trim.
Rim protectors for fixtures.
Robe hooks.
Roofing.
Roofing nails (except staples, clips and similar devices designed for the purpose of protecting shingles, flashings and siding against wind damage).
Shower curtain rods and bars (except for hospitals).
Shower door frames.
Shower goosenecks.
Skylights.
Stair and threshold treads, nosing and edgings.
Store fronts.
Straps and hangers for pipe supports.
Supply pipes, iron pipe sizes.
Switch plates.
Tanks for automatic storage water heaters.
Traps (except tube traps in 20 gauge without cleanouts and except traps cast from secondary metal).
Thresholds and saddles.
Towel bars and brackets.
Tube, tubing and fittings for piping systems in construction (except for Type K for underground water service connections; Types B, L, and M for domestic hot and cold water supply pipes, tank to oil burner hook-ups, and oxygen lines; Types B, K, L, and M for industrial process, food, chemical and gas equipment piping; and seamless tube for air temperature control apparatus).
Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction (except for valves, controls, fins, bearings or parts necessary for conducting electricity, and for water or steam courses and headers).
Ventilators.
Vents.
Weatherstripping.
Window frames.
Window sills.
Windows.

BURIAL EQUIPMENT

Burial urns.
Burial vaults.
Caskets and casket hardware (except copper or brass flash plate treatment necessary to prevent corrosion during period of manufacture and warehousing).
Memorial tablets.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

Artificial flowers.
*Buckles and shoe buckles (except for foundation garments where strength, launderability and non-corrosiveness are essential).
*Buttons (except front shells of uniform buttons for police, firemen, guards, railroad and other transportation employees and similar uniforms, the backs to be made of steel with rust resistant plating; and work clothing and other utility (closure) purposes where launderability and non-corrosiveness are essential, provided that all strictly decorative and out-size buttons are eliminated).
Dress ornaments and trimmings.
*Fittings: belt, corset, garter, glove, hand bag, purse, suspender, luggage and supporter (except for foundation garments and sanitary belts where launderability and non-corrosiveness are essential).
*Insignia and decorations (awards).
*Metal clothes, laces, tassels, braids, embroidery, ribbons.
Millinery accessories and frames.
*Snaps, snap buttons, and hooks and eyes (except (1) irrespective of weight, in industrial safety clothing, work clothing and foundation garments; (2) for complete fasteners weighing 5 pounds or less per thousand units, on other wearing apparel exclusive of belts, suspenders, gloves, footwear, and other dress accessories, and billfolds, luggage, wallets and key cases; and (3) except for wire springs contained in snaps and snap buttons weighing in excess of 5 pounds per thousand complete units).

FURNISHINGS AND EQUIPMENT

Andirons, fireplace screens and fittings.
Candlesticks.
Curtain fasteners, rods and rings.
Cuspidors.
Gas heater and stove installation connections (except for high pressure LPG connections from tank to fixture).
Lamp shades.
Mops.
Mud scrapers.
Scrubbing boards.
Space heaters, flue connected and non-flue connected (except valves, controls and parts necessary for proper operation or for conducting electricity).
Stoves and ranges of all fuels for household cooking use (except valves, compression fittings, controls including timers, thermostats and parts for conducting electricity or necessary for safe operation).
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft (except scientific laboratory).
Washing tubs and washing boilers.
Waste baskets, humidors and similar items.

FURNITURE AND FIXTURES

Barber shop and beauty parlor furniture.
Household furniture.
Mattresses and bedsprings (except hospital).
Partitions and shelving (except hospital and laboratory).
Public building and office furniture.
Reed and rattan furniture.
Restaurant furniture.
Venetian blinds (except where essential for operating parts).

HARDWARE, MISCELLANEOUS

Collars and other harness for pets.
Cutlery, table, kitchen, butcher and meat packing (except rivets and knife assemblies in matching silver-plated flatwear sets).
Fireplace fixtures and equipment.
Furniture (except in cylinder assemblies and keys and for essential working parts of locks).
Hand saw screws, nuts and washers for attaching saw blades to the handles.
Hand service tools, including hammers, pliers, wrenches, screw drivers, etc. (except essential parts of spiral ratchet and ratchet screw drivers and drills; hand and breast drills and bit braces; soldering irons; and blow-torches; except nonsparking tools necessary to prevent explosion hazards; and except portable spot welders).
Passenger transportation equipment, decorative hardware and ornamental metal work and trim and general hardware (except for locks).
Pleasure boat decorative hardware.
Pocket knives (except rivets and lining assemblies).
Puttying and scraping knives (except rivets).
*Saddlery and harness hardware (except for brass protective plating).
Scissors, shears, hedge and other trimmers, tinners and other snips.
Stairs and threshold treads and edgings.
Trunk and luggage hardware (except for brass protective plating and except in cylinder assemblies and keys and for essential working parts of locks).

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)

Household electrical appliances including but not limited to:

Laundry equipment.
Vacuum cleaners.
Refrigerators.
Floor and furniture polishers.
Food mixers.
Electric irons.
Hair driers.
Toasters.

JEWELRY, GIFTS, AND NOVELTIES

All jewelry (except operational attachments such as screw and snap posts; cam assemblies; wire pegs; screws and/or rivets; spring pins for wrist watches; catches and pin stems; and copper seal interlinings to prevent "bleeding" of silver through gold); gifts and novelties, including but not limited to:

Book ends.
Jewelry and instrument cases, including cosmetic.
Lighters (except necessary operational parts).
*Medals and emblems, including decorations (except religious goods).
Mirror and picture frames.
Napkin rings.
Smokers' accessories, including ash trays and humidors.
Souvenirs.

CIVILIAN TYPE MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSSES

Decorative mouldings, both internal and external (except for glass run channels, window-glass frames, external windshield and rear window external mouldings where such mouldings are produced from strip 6 inches or narrower).
Defrosters and heaters (except (1) for conducting electricity and (2) radiators (heat exchangers) and supply and return hot water lines and (3) parts used in the operating controls of the heating and defrosting systems).
Gas tank caps (except valves and springs).
Horns (except parts for diaphragms, vibrators and conducting electricity).
Lighters (except parts for conducting electricity).
Lights, lamps, headlamps, and lighting accessories (except for doors, bezels, adjusting and attaching screws, retaining rings, copper flash plating on reflectors and parts for conducting electricity including light bulbs).
Motor vehicle hardware (except door handles, ventilator and regulator handles for windows and doors, working parts for locks, ventilator window latches, external lock cylinder caps and covers, external windshield wiper arm and blade assemblies and screw).
Rear-view mirrors and brackets (except copper flash plating on mirrors).
Smokers' accessories, including ash trays.
Wheel discs and wheel trim rings.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)

All items under the heading "Furnishings and Equipment".
Bands on pipe coverings.
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Shower rods and pans.
Sinks and drainboards.
Towel and luggage racks.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems (except parts for conducting electricity or where essential to the proper service or functioning of the parts).
Antique reproductions.
Arch supports.
Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).
Barrels, boxes, cans, jars, and other containers.
*Badges (except for use by personnel where badges are required for protection and security by Government agencies or by industrial plants).
Bar and counter equipment and fittings.
Barber shop equipment and supplies (except for current-carrying parts).
Barrel hooks.
Bathroom accessories (including grab bars, tumbler holders, tooth brush holders, paper holders, and shelf brackets).
Beauty parlor equipment and supplies (except for replacement parts of commercial permanent wave equipment and commercial hair driers and for current-carrying parts).
Bicycles, and similar vehicles and equipment therefor (except valves for bicycle tires and tubes and except plating of operational parts).
Binoculars (except precision types) and opera glasses.
Bird and pet cages and stands.
Branding, marking, and labeling devices and stock for same (except engraved burning branding dies, and except where the devices and the stock are for affixing governmental, notarial and corporate seals).
Bronze ink (except use in the graphic arts industry where bronze ink and powder are an integral part of product identification and whose normal replating is less frequent than one year).
Brushes (except for the types used in electric motors and generators; and except for industrial brushes and tooth brushes).
Carpet rods.
Chimes and bells (except parts for conducting electricity or where non-magnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems and except bells for use on board ship where essential to the proper functioning of the parts).
Clips, paper.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.
Clock cases (except for marine use).
Clothes line pulleys and reels.
Cocktail shakers.
Coin-operated game and gambling machines (except tumblers for locks and current-carrying parts).
Coin-operated vending machines (except necessary operational parts and current-carrying parts).
Cooking utensils (except gauges and protective devices and plating of bottoms).
Daubers for shoe polish.
Dispensers, hand, for hand lotions, paper products, soap and straws (except for hospitals).
Flower pots, boxes and holders for same.
Fountain pens (except necessary operational parts).
Furniture grommets.
Garden tools and equipment (except for functional parts).
Hair curlers, hair brushes and combs (except for heat-carrying parts and for electrical conductivity).
Ice cream freezers for use in the home (except electric).
Juke boxes (except for current-carrying parts).
Kitchen utensils, devices and machines (except electrical appliances).
Lace tips.
Lamps, portable electric (except for current-carrying parts).
Lamps and lanterns, other than electric (except for generators, valves, controls, burners, wicks and founts).
Letter boxes and mail chutes.
Lighting fixtures (except (1) current-carrying parts, plating, rivets, eyelets, screws, small fasteners; (2) the threaded parts, clamping, sealing or attachment devices of exterior, explosion-proof, dust-tight and vapor-tight fixtures; (3) Marine and airport).
Loose-leaf binders.
Manicure implements.
Match and pattern plates, matrices, and flasks.
Mattress buttons and furniture glides.
Name plates (except instruction and data plates and identification plates for use on machinery or equipment without display or ornamentation).
Nonoperating or decorative uses of copper or copper-base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Pari-mutuel gambling and gaming machines, devices and accessories.

Pencils, mechanical (except functional parts and plating).
Pins (except safety pins, common pins, laundry net and laundry identification pins, or safety catches on products otherwise permitted under this order).
Pleasure boat fastenings and fittings.
Razors operated by electricity (except functional parts and parts for conducting electricity).
Razors not operated by electricity (except (1) in making safety razors: heads, functional parts for heads, and plating; and (2) in making straight razors: rivets, pins and washers).
Razor blade magazines.
Reflectors (except photographic and except as an undercoating or an overcoating in electroplating with silver or chromium).
Signs and advertising displays (except current-carrying parts).
Sporting goods and equipment (except fishing equipment and supplies for commercial fishing use, firearms, ammunition, and except reel gears, bearings and spools, swivels and snaps, rod mountings and copper for plating of baits and lures for sport fishing use).
Staplers and stapler machines (not including foot-operated or power-driven stitching machines).
Stationery supplies including but not limited to:
Desk accessories.
Office supplies.
Pencils (except for ferrules).
Pens and penholders.
Statues and statuettes (except religious and artists' originals).
Sundials.
*Tent poles and parts.
Tobacco pipes.
Toys (except in motors and essential operating parts).
Unions and union fittings (except seats, and, except for other parts of unions and union fittings (1) where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fittings make the use of any other material dangerous or impractical, or (2) where the valve is of a type designed for use in an air conditioning or refrigeration "system", or (3) where use of copper and tubing and/or brass pipe is permitted).
Umbrellas and parasols.
Vacuum bottles and jugs.
Valve handles (except plumbing fixture trim).
Walking sticks and canes.
Weather vanes.
Weight reducing and exercising machines (except for current-carrying parts).
Wool (except metal sponges intended for use in dairy products processing plants and by the canning industry and for filtering purposes).

List B

(See section 7)

The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided, however,* That such material may be used in such items included in the list as are marked with as asterisk in cases where such items are to be used by the armed forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Door knobs.
Letter slots.

BUILDING MATERIALS

Facias: Fittings for underfloor raceway systems.
Flashings (except (1) cap and base flashing for built-up roofing, (2) through-wall flashing in parapet walls, (3) flashing for chimneys, vent stacks and all other vertical surfaces rising through roof levels, (4) roof-to-side wall flashing, (5) valley flashing for slate, tile and cement shingle roofs, (6) door and window head flashing, (7) expansion joint flashing).
Gravel stops.
Shower pans.
Terrazzo strips.

CIVILIAN-TYPE MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSSES.

Hubcaps (except for plating).
Radio antennae for vehicles.
Sidewalk or curbstone warning devices for automobiles.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

*Slide fasteners (zippers) (except (1) for the following functional components: slider bodies, separating end-components and top and bottom stops; and (2) except for applications in safety garments, work clothing, rubber footwear, foundation and surgical garments were necessary for reasons of strength, launderability and anticorrosion).

FURNISHINGS AND EQUIPMENT

Refrigerator and water heater installation connections (except for high pressure LPG connections from tank to fixture).

FURNITURE AND FIXTURES

Fittings (except hospital and laboratory).

HARDWARE, MISCELLANEOUS

Tags for pets.

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)

Coffee makers.
Home and farm freezers.
Ice cream freezers.
Waffle irons.

REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

(Commercial and Industrial)

(Except where copper products or copper-base alloy products are essential for the following: carbonators, complete condensing units less condensers, dehydrators, draft arms for soda fountain equipment, electrical controls and wiring, fittings, protective coatings, refrigerant circuits, refrigerant connections between compressor and cooling coils, refrigerant flow control valves, sight glasses, soldering and brazing materials, strainers, suction line heat exchangers, tube sheets, valves, water cooler low sides and pre-coolers, water flow control valves and water spray nozzles for evaporative condensers, evaporative coolers and air washers)

Commercial and industrial refrigeration and air conditioning machinery and equipment including but not limited to:

Air conditioning systems, self-contained or remote.
Air washers.
Blast coolers.
Blast freezers.
Bottled beverage coolers.
Carbonated beverage dispensing systems (except coin operated).
Compressor stop valves (except valve seats, gaskets, bonnets, discs, disc screens, and protective coverings for valve stems).
Evaporative condensers.
Evaporative coolers (desert type).
Finned air-cooled condensers except those used for hermetic systems where the condenser is exposed to the outside air or for transportation systems.
Finned coils or evaporators.
Florist refrigerators.
Fountainettes.
Frozen food cabinets.
Ice cream cabinets.
Ice cube makers.
Malt beverage dispensing systems.
Mortuary refrigerators.
Non-carbonated beverage dispensing systems (except coin operated).
Packaged air conditioners (room, window, and store coolers).
Reach-in refrigerators.
Refrigerated display cases.
Refrigeration systems, self-contained or remote.
Reverse cycle heating and air conditioning systems (heat pumps).
Sandwich units.
Shell and tube or shell and coil condensers (except water courses, either straight or finned tube, where the refrigerant is in contact with the tube).
Shell and tube or shell and coil water chillers (except water courses, either straight or finned tube, where the refrigerant is in contact with the tube).
Soda fountains.
Space coolers.
Unit coolers.
Walk-in refrigerators.
Water coolers (except bubblers, bubbler connections, faucets and faucet connections).

MISCELLANEOUS

Ball point pens (except necessary operational parts).
Dehumidifiers for home and office use (except operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity).
Flashlight cases (except contact points for carrying current).
Garment hangers.
Hollow ware (except for hotels, restaurants, institutions and ecclesiastical use).
Identification and directional signs (except current-carrying parts).
Key chains and catches and fasteners therefor.
Lawn sprinklers (except working parts and propellers).
Outboard motors (except for operational parts).
Portable electric lanterns, such as railroad, miners' and industrial (except parts for conducting electricity and for plating).
*Shells and caps for sockets.
Ties (except for explosives and other products where the properties supplied by copper are essential).

[F. R. Doc. 51-4343; Filed, Apr. 10, 1951; 8:45 a. m.]

[NPA Order M-50 as Amended April 9, 1951]

M-50—Electric Utilities

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M–50 by adding Appendix C. As so amended this order reads as follows:

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Applications for adjustment.
4. Records and reports.
5. Communications.
6. Violations.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

21. Modification of NPA Reg. 4 (MRO).
22. Quarterly MRO quotas.
23. Quantity restrictions.
24. Applications for increased MRO quotas.

ARTICLE III—PROGRAM MATERIALS

31. Procurement of program materials generally.
32. Major plant additions.
33. Minor requirements.
34. Form of certification.
35. Quarterly program material quotas for minor requirements.
36. Inventory restrictions.
37. Filing of forms.
38. Applications for increased program material quotas.

AUTHORITY: Sections 1 to 38 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this order does.* (a) This order provides rules of special application to the procurement and use of materials by electric utilities.

(b) Article II modifies the application of NPA Reg. 4 to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 apply to electric utilities except as modified by this order.

(c) Article III authorizes electric utilities to apply DO–48 ratings to orders for program materials to be used in major plant additions upon DEPA approval. In addition, it provides that electric utilities may not use any program materials in major plant additions after May 1, 1951, unless authorized by DEPA. The procurement of program materials for minor requirements, that is, requirements for all purposes except use in major plant additions, is governed by a self-rating procedure. Subject to certain inventory controls and quota limitations, each electric utility is authorized to apply DO–48 (Minor) ratings to certain orders for program materials for minor requirements.

SEC. 2. *Definitions.* (a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, supplying, or having facilities built for supplying electric power, directly or indirectly, for general use by the public or for use by its members. In the case of an electric utility engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "DEPA" means the Defense Electric Power Administration.

(c) "Maintenance" means maintenance as defined in NPA Reg. 4 and "repair" means repair as defined in NPA Reg. 4. However, "maintenance" and "repair" include the replacement of any equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment or the replacement of material which is in sound working condition with material of a better kind, quality, design, or greater capacity.

(d) "Operating supplies" means material, other than fuel, which is consumed in the course of an electric utility's operations, except in maintenance, repair, and plant additions.

(e) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined in this section. To assist in determining whether particular construction constitutes one, or more than one, plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(f) "Major plant addition" means any plant addition constructed by an electric utility which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor, or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000, or

(3) Non-line construction, including but not limited to construction or of additions to generating plant, sub-stations, or buildings, where the plant addition has a net material cost over $50,000, except that non-line construction shall not include construction for which specific NPA authorization is required under NPA Order M–4.

(g) "Minor requirements" means electric utility requirements of program materials for all purposes (including MRO) except use in major plant additions, and except use in construction for which specific NPA authorization is required under NPA Order M–4.

(h) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(i) "Line construction" means construction of both overhead and underground lines.

(j) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(k) "Inventory of program material" means all new or salvaged program material in the possession of an electric utility, unless physically incorporated in plant, without regard to its accounting classification, excluding, however:

(1) Program material specifically set aside on the effective date of this order for use in time of emergency and replacement thereof, and

(2) Program material set aside for use in any major plant addition. Program material set aside for use in such major plant addition which will not be used in such major plant addition shall be included in inventory.

(l) "Program material" means any material which is the subject of an appendix to this order.

SEC. 3. *Applications for adjustment.* (a) Any electric utility affected by any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue or exceptional hardship upon such utility not suffered generally by other electric utilities, or that its enforcement against such utility would not be in the interest of national defense or in the public interest. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Each such request shall be addressed to DEPA and, if approved, DEPA will grant an appropriate adjustment or exception.

SEC. 4. *Records and reports.* (a) Each electric utility participating in any transaction covered by this order shall retain in its possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met, including the amounts of quarterly quotas, the method of computation, factual justification, methods of figuring quotas and charges against them. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Each electric utility shall make such further records and submit such further reports to DEPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 5. *Communications.* All communications concerning this order and NPA Reg. 4, as modified by this order, and all requests for forms shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

SEC. 21. *Modification of NPA Reg. 4 (MRO).* This article modifies the application of NPA Reg. 4 (MR) to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 and all other applicable orders and regulations of NPA apply to electric utilities except as modified by this order.

SEC. 22. *Quarterly MRO quotas*—(a) *Computation of quota.* Subject to the exclusions provided in paragraph (b) of this section, an electric utility, in computing its quarterly MRO quotas, may include all expenditures for operating supplies and for materials used for maintenance and repair, as those terms are defined in this order.

(b) *Exclusions from quota.* In computing its quarterly MRO quota, no electric utility shall include any expenditure for:

(1) Any electric utility program material subject to Article III of this order.

(2) Any item included in Schedule A of NPA Order N–44.

(3) Any other item costing more than $10,000.

SEC. 23. *Quantity restrictions*—(a) *Charges against quota.* No electric utility shall obtain by use of the DO–97 rating any material herein excluded from its quarterly MRO quota, nor shall any utility charge against its quarterly MRO quota any order or receipt of such material.

(b) *Emergency excess of quota.* Subject to the restrictions of paragraph (a) of this section, if an electric utility has so far exhausted its MRO quota that an insufficient quota remains in any quarter to procure necessary material for maintenance or repair of its equipment or property, other than buildings, which is damaged or destroyed by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm or similar catastrophe, the utility may exceed its quota for that quarter to the extent necessary to procure such emergency materials: *Provided however,* That any such excess of quota must be immediately reported, together with the reasons therefor, to DEPA.

SEC. 24. *Applications for increased MRO quotas.* An electric utility's application for an increased MRO quota, to be submitted as provided in section 3 of this order, shall show such utility's existing MRO quota, any prior adjustments thereof, the amount of increase requested, the necessity for such increase, such utility's output per quarter in kilowatt hours commencing with the first quarter of 1950, and any other information pertinent to proper evaluation of such application.

ARTICLE III—PROGRAM MATERIALS

SEC. 31. *Procurement of program materials generally.* Subject to the quantity restrictions provided by this article, the ratings authorized by this article shall be applied to all orders for any program material including outstanding unrated orders, scheduled for delivery in or prior to a quarter for which a program material quota or authorization is effective, and no utility shall place unrated orders for any program material scheduled for delivery in such a quarter. Accordingly, all outstanding orders for any program material, except those calling for delivery in a subsequent quarter, shall be either rated or canceled within 15 days after such material becomes subject to the provisions of this order.

SEC. 32. *Major plant additions.* No electric utility may order any program material for use in any major plant addition unless specifically authorized by DEPA. For each program material approved by DEPA for use in a major plant addition, an electric utility is hereby authorized to apply the DO–48 rating to orders for the quantity of such program material specified by DEPA. After May 1, 1951, no electric utility may use any program material in a major plant addition unless such use is authorized by DEPA.

SEC. 33. *Minor requirements.* Subject to the restrictions contained in sections 36 and 37 of this order, each electric utility is hereby authorized to apply DO–48 (Minor) ratings to order any program material for its minor requirements: *Provided,* That no electric utility may exceed its quota for such program material.

SEC. 34. *Form of certificate.* The DO–48 or DO–48 (Minor) rating shall be applied by placing on the orders for any program material, or on a separate piece of paper attached thereto, the symbol "DO–48" or "DO–48 (Minor)" together with the words "Certified under NPA Order M–50". Such certification shall be signed as prescribed in section 8 of NPA Reg. 2.

SEC. 35. *Quarterly program material quotas for minor requirements.* An electric utility may elect to use either a standard quota or an alternative quota but may not thereafter change from one quota to the other without the express approval of DEPA.

(a) *Standard quota.* An electric utility's standard quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used for minor requirements in the calendar year 1950 (or, if it operated on a fiscal year basis, in its fiscal year ending nearest to December 31, 1950).

(b) *Alternative quota.* An electric utility's alternative quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used in the corresponding calendar quarter of 1950 (or, if it operated on a fiscal year basis, in the corresponding quarter of its fiscal year ending nearest to December 31, 1950).

(c) *Quota where 1950 base inapplicable.* An electric utility not in operation throughout the year 1950 (calendar or fiscal) shall establish its standard or alternative program material quota in accordance with this section by adjusting, in direct proportion, its actual use of such program material for part of the year to an annual basis. To determine an alternative quota in such cases, the adjusted annual use may be unequally distributed among 4 quarters to reflect seasonal variations. An electric utility not in operation throughout 1950 shall report to DEPA the program material quota which it establishes in accordance with this section. If an electric utility was not in operation during any part of the year 1950 (calendar or fiscal) it may apply to DEPA for a program material quota, supplying in detail information pertinent to a proper evaluation of its application.

SEC. 36. *Inventory restrictions.* No electric utility shall order any program material if, after the receipt of such program material, its inventory of such program material would be or become in excess of 25 percent of the gross weight of such program material which it used for its minor requirements during the year 1950 (calendar or fiscal), except that an electric utility may order for delivery in any quarter a quantity of any particular item of such program material equal to the amount by which its required use of such item in such quarter exceeds the quantity of such items which it has or will have on hand at the beginning of such quarter. This provision shall not authorize any electric utility to exceed its quota for minor requirements.

SEC. 37. *Filing of forms.* Prior to its first application of the DO–48 (Minor) rating to an order for delivery of any program material in the second quarter of 1951 for use for minor requirements, each electric utility must file with DEPA the applicable form in the DEPA–4

series. Forms in the DEPA–4 series shall be deemed to be filed when addressed to DEPA and deposited for mailing in any United States post office.

SEC. 38. *Applications for increased program material quotas.* Each application for an increased program material quota shall contain the following information:

(a) Statement of the amount of any special authorization which the utility has received.

(b) Statement of the total amount of each program material requested to be authorized for use in minor requirements during each quarter, including the base period quota permitted by the applicable appendix to this order.

(c) Detailed statement of necessity for larger quota.

(d) Any additional information which may be pertinent to proper evaluation of the application.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 9, 1951. Issued April 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

APPENDIX A—ALUMINUM CONDUCTOR

1. *Definition.* "Aluminum conductor" means any wire, cable, or bus bar which contains aluminum.

2. *Standard aluminum conductor quota for minor requirements:* 20 percent.

3. *Alternative aluminum conductor quota for minor requirements:* 80 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to aluminum conductor shall not apply to any electric utility which orders for delivery in any calendar quarter a gross weight of aluminum conductor which does ont exceed 5,000 pounds.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO–48 (Minor) rating to an order for aluminum conductor as provided in section 37 of this order is Form DEPA–4A.

6. *Effect on NPA Order M–7.* The provisions of this order supersede NPA M-7 with respect to the procurement and use of aluminum conductor by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

APPENDIX B—ALUMINUM CONDUCTOR ACCESSORIES

1. *Definition.* "Aluminum conductor accessories" means any accessories containing aluminum or steel, such as clamps, twisting sleeves, and armor rods, which are used for the installation of aluminum conductor.

2. *Aluminum conductor accessories quota.* There are no quotas applicable to the procurement of aluminum conductor accessories.

3. *Quantity restrictions.* No electric utility may order for delivery in any quarter a larger quantity of aluminum conductor accessories than necessary for use in connection with aluminum conductor which such utility is authorized to use or order for delivery in such quarter, and for such additional quantity of aluminum conductor accessories which it requires for use in such quarter in maintenance and repair.

4. *Effect on NPA Order M–7.* The provisions of this order supersede NPA Order M–7 with respect to the procurement and use of aluminum conductor accessories by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

5. *Filing of forms not required.* No forms are required to be filed prior to application of the DO–48 (Minor) rating to orders for aluminum conductor accessories.

APPENDIX C—COPPER

COPPER WIRE MILL PRODUCTS, BRASS MILL PRODUCTS, AND FOUNDRY PRODUCTS

1. *Definitions.* (a) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cables, where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content. Accordingly, minor requirements quotas and charges against such quotas must be computed on the basis of net weight of copper in copper wire mill products.

(b) "Brass mill product" means sheet, including strip and plate; rod, including bars, and extruded shapes; wire; or tube, including pipe, made from copper or copper-base alloy. This does not include copper wire mill products.

(c) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (Includes the removal of gates, risers and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

2. *Standard copper wire mill products, brass mill products, and foundry products quota for minor requirements:* 18¾ percent.

3. *Alternative copper wire mill products, brass mill products, and foundry products quota for minor requirements:* 75 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to copper wire mill products, brass mill products, and foundry products shall not apply to any electric utility which orders for delivery in any calendar quarter a quantity of copper wire mill products, brass mill products, and foundry products which does not exceed 5,000 pounds in the aggregate.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO–48 (Minor) rating to an order for copper wire mill products, brass mill products, and foundry products, as provided in section 37 of this order, is Form DEPA–4C.

6. *Rating or cancellation of outstanding orders.* Notwithstanding the requirement in section 31 of this order with reference to rating or cancellation of outstanding orders within 15 days, it shall be sufficient if outstanding orders for copper wire mill products, brass mill products, and foundry products be rated or cancelled by May 1, 1951.

7. *Effect on NPA Order M–12.* This order supersedes NPA Order M–12 with respect to procurement and use by electric utilities of copper wire mill products, brass mill products, and foundry products.

[F. R. Doc. 51–4344; Filed, Apr. 10, 1951; 8:45 a. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[MO–5]

MO–5—REGULATIONS GOVERNING GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

This regulation is found to be necessary and appropriate to carry out the provisions of the Defense Production Act of 1950 with reference to the encouragement of exploration, development, and mining of critical and strategic minerals and metals pursuant to section 303 (a) (2) of the act. In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY PROVISIONS

Sec.
1. What this regulation does.
2. Government aid.

APPLICATIONS AND CONTRACTS

3. Forms and filing.
4. Scope of application.
5. Action on applications.
6. Form and term of contracts.
7. Criteria.
8. Definitions.

GOVERNMENT PARTICIPATION

9. Ratio of contributions.
10. Fixtures and improvements.
11. Operating equipment.
12. Title to and disposition of property.
13. Allowable costs of the project.
14. Repayment by Operator.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 303, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

SECTION 1. *What this regulation does.* This regulation sets forth procedures under which Government aid may be obtained in financing the cost of projects for exploration for unknown or undeveloped sources of strategic or critical metals and minerals.

SEC. 2. *Government aid.* The Government, in suitable cases, will aid in an exploration project for strategic or critical metals and minerals by providing some part of the costs of the project, the Government's contribution to be repayable from the net returns from any ore, concentrates, or metal produced as a result of the exploration project.

APPLICATIONS AND CONTRACTS

SEC. 3. *Forms and filing.* Application for Government aid in any specified exploration project shall be submitted in quadruplicate on Form No. MF–103, either to

The Defense Minerals Administration,
Department of the Interior,
Washington 25, D. C.

or to the nearest Defense Minerals Administration field executive officer as indicated by the following addresses:

Region	Area served	Address
I	Alaska	Federal Bldg., P. O. Box 2990, Juneau, Alaska.
II	Washington, Oregon, Idaho, and Montana.	South 157 Howard St., Spokane, Wash.
III	California and Nevada	1415 Appraisers Bldg., San Francisco, Calif.
IV	Arizona, New Mexico, Colorado, Utah, and Wyoming.	224 New Customhouse Bldg., Denver 2, Colo.
V	North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, and Michigan.	426 Plymouth Bldg., Minneapolis, Minn.
VI	Kansas, Louisiana, Oklahoma, Texas, Arkansas, and Missouri.	P. O. Box 431, Joplin, Mo.
VII	Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.	Room 13, Post Office Bldg., Knoxville, Tenn.
VIII	Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, New York, Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, and Pennsylvania.	Eastern Experiment Station, College Park, Md.

Applications filed prior to the effective date of this regulation, if sufficient, will be treated as though filed on the prescribed form. Applications must be filed at least 30 days prior to the expiration of the authority granted by the Defense Production Act of 1950, which at the time of issuing these regulations, is June 30, 1951.

SEC. 4. *Scope of application.* Each application shall relate to a single exploration project which shall be fully described and justified by detailed substantiating data as called for by the application form. The Administrator may require the filing of additional information, reports, and exhibits, in connection with the application, and may, at his discretion, require such physical examination of the project as he deems necessary.

SEC. 5. *Action on applications.* The Administrator, after considering the application and all matters relating thereto, shall either approve or disapprove the application. If the Administrator approves the application, he shall certify it as presenting a suitable project for an exploration project contract.

SEC. 6. *Form and term of contracts.* If the application is approved and certified for a contract, the Government, acting through the Administrator, will enter into an exploration project contract with the applicant on Form MF–200. No exploration project that will take more than two years to perform shall be approved for an exploration project contract.

SEC. 7. *Criteria.* The following factors will be considered and weighed in passing upon applications:

(a) Strategic importance of the mineral involved.

(b) The geologic probability of making a significant discovery.

(c) The availability of manpower.

(d) The availability of equipment and supplies.

(e) The accessibility of the project.

(f) The availability of water and power.

(g) The operating experience and background of the applicant.

SEC. 8. *Definitions.* As used in these regulations:

(a) "Exploration project" means the search for unknown or undeveloped sources of strategic or critical metals or minerals within a specified area or parcel of ground in the United States, its territories or possessions, whether conducted from the surface or underground, including recognized and sound procedures for obtaining pertinent geological, geophysical, and geochemical information. The work shall not go beyond a reasonable delineation and sampling of the ore, and shall not include work prosecuted primarily for mining or preparation for mining.

(b) "Operator" means a person, firm, partnership, corporation, association, or other legal entity by whom or for whose account and interest an exploration project is to be carried out.

(c) "Administrator" means the Administrator of Defense Minerals Administration or his representative authorized in writing.

(d) "Government" means The United States of America.

GOVERNMENT PARTICIPATION

SEC. 9. *Ratio of contributions.* The Government will contribute to the exploration project, upon the terms specified in the contract, a certain percentage of the total cost of the project, depending upon the mineral which is the subject of exploration, as follows:

(a) In the case of chromium, copper, fluorspar, graphite (crucible flake), iron ore, lead, molybdenum, sulfur, and zinc (and cadmium)—50 percent.

(b) In the case of antimony, manganese, mercury, tungsten—75 percent.

(c) In the case of asbestos (spinning grade), beryl, cobalt, columbium-tantalum, corundum, cryolite, industrial diamonds, kyanite (strategic), mica (strategic), monazite, uranium, and rare earth ores, nickel, platinum group metals, quartz crystals (piezo-electric), talc (steatite), and tin—90 percent.

SEC. 10. *Fixtures and improvements.* The Operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances to the purposes of the exploration project without any allowance for the use, rental value, depreciation, depletion, or other cost of acquiring, owning, or holding possession thereof. With the written approval in advance by the Administrator, necessary additional facilities, buildings, and fixtures may be purchased, installed and erected by the Operator, and the Government will contribute its agreed pro-rata share of the cost thereof. The difference between the cost of such additional facilities, buildings, or fixtures, and the salvage value thereof at the conclusion of the work, shall be charged as a cost of the project to which the Government has contributed its pro-rata share.

SEC. 11. *Operating equipment.* With the written approval in advance by the Administrator, necessary operating equipment may be rented, purchased, or otherwise furnished by the Operator. Rentals paid for equipment rented and the rental value of equipment owned and furnished by the Operator shall be allowed as costs of the project. As to equipment purchased for the project, the Government will contribute its agreed pro-rata share of the cost thereof, and the difference between the cost and the salvage value at the conclusion of the work shall be charged as a cost of the project to which the Government has contributed its pro-rata share.

SEC. 12. *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items costing more than $50 each, paid for or purchased with funds contributed jointly by the Operator and the Government, shall belong to the Operator and the Government jointly, in proportion to their respective contributions, and upon the termination of the contract, if they have any salvage value, shall be disposed of for their joint account unless the Government, in writing, waives its interest in any such items. The Government may require the dismantling, severance from land, and removal of any such items in order to realize its interest in the salvage value thereof, and the cost of any such removal and of the disposal of the items shall be for the joint account of the parties in proportion to their respective interests.

SEC. 13. *Allowable costs of the project.* The allowable costs of the project in which the Government will participate shall include the following:

(a) The necessary, reasonable, direct costs of performing the exploration work, including the costs of materials, supplies, labor, direct supervision, engineering, power, water, and utilities.

(b) The reasonable, necessary cost of rehabilitating and putting into useful and operable condition existing facilities, buildings, installations, and fixtures, and of maintaining them in that condition.

(c) If the purchase, installation, or erection was approved in advance by the Administrator, as provided in section 10 of this regulation, the depreciation on fixtures and improvements computed as provided in section 10 of this regulation.

(d) If the rental or purchase of operating equipment was approved in advance by the Administrator, as provided in section 11, of this regulation, the rental, rental value, or depreciation, on operating equipment, computed as provided in section 11 of this regulation.

No items of general overhead, corporate management, interest, or any other indirect costs not expressly allowed by these regulations, or work performed or costs incurred before the date of the contract, shall be allowed as costs of the project in which the Government will participate.

SEC. 14. *Repayment by Operator.* If, upon the completion of the exploration

project or termination of the contract, the Administrator considers that a discovery or development has resulted from the work from which commercial production of ore may be made, the Administrator, within six months thereafter shall so certify to the Operator, particularly describing and delimiting his estimate of the discovery of the development. Thereafter, if and when ore is produced as a result of such discovery or development, the Operator and his successor in interest shall be and become obligated to pay to the Government a percentage royalty on the net smelter returns or other net proceeds realized from such ore, concentrates, or metal produced within ten (10) years from the date of this contract, until the total amount contributed by the Government, without interest, is fully repaid or said ten years have elapsed, whichever occurs first, as follows:

Of net smelter returns or other net proceeds not in excess of eight dollars ($8.00) per ton of ore: one and one-half (1½) percent.

Of net smelter returns or other net proceeds in excess of eight dollars ($8.00) per ton of ore: one and one-half (1½) percent, plus one-half (½) percent additional for each full fifty cents ($.50) in excess of eight dollars ($8.00) per ton of ore, but not in excess of a maximum of five (5) percent.

This obligation to repay from net returns or proceeds shall be and remain a claim and lien upon the property which is the subject of the exploration project and upon any production resulting from such discovery or development, in favor of the Government, until fully paid, or until said ten-year period has elapsed; and this claim and lien and the Government's right to repayment shall survive any termination of the contract, whether by completion of the exploration project or otherwise. This section is not to be construed as imposing any obligation on the Operator or his successor in interest to produce ore from any such discovery or development.

This regulation shall become effective upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

[F. R. Doc. 51-4364; Filed, Apr. 10, 1951; 11:44 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

COMPLAINTS AND ANSWERS

The Commission on April 2, 1951, amended §§ 2.5 and 2.8 of its rules of practice (§§ 2.1 to 2.31), so as to make said sections read as follows, effective thirty days from date of publication in the FEDERAL REGISTER.

NOTE: In said sections, the numbers to the right of the decimal point correspond with the Roman numbers in the Commission's rules of practice, as included in its publication, Rules, Policy, Organization, and Acts.

§ 2.5 *Complaints.* (a) Whenever the Commission shall have reason to believe that there is a violation of law over which the Commission has jurisdiction, and in case of violation of the Federal Trade Commission Act, if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission shall issue and serve upon the proper parties a complaint stating its charges and containing a notice of a hearing upon a day and at the place therein fixed, at least thirty (30) days after the service of said complaint.

Upon request made within 15 days after service of the complaint, any party shall be afforded opportunity for the submission of facts, arguments, offers of settlement or proposals of adjustment where time, the nature of the proceeding, and the public interest permit, and due consideration shall be given to the same. Such submission shall be in writing. The filing of such request shall not operate to delay the filing of the answer.

(b) In the "Notice" portion of the complaint there may be set forth a statement of the provisions which may appear in the order to cease and desist which the Commission shall have reason to believe should issue if the facts in the record shall be found to be as alleged in the complaint. If the complaint contains such provisionary order to cease and desist, it shall also state that such order shall issue, unless the repondent shall file an anwer within the time designated in the complaint; shall appear at the time and place so fixed; and shall show cause why the said order to cease and desist should not be entered by the Commission, in which event such provisionary order to cease and desist shall be without effect.

§ 2.8 *Answers.* (a) In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Ten (10) copies of answers shall be furnished. The original of all answers shall be signed in ink, by the respondent or by his attorney at law. Corporations or associations shall file answers through a bona fide officer or by an attorney at law. Answers shall show the office and post office address of the signer.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Such answer will constitute a waiver of any hearing as to the facts alleged in the complaint and findings as to the facts and conclusions based upon such answer shall be made and order entered disposing of the matter without any intervening procedure. The respondent may, however, reserve in such answer the right to submit proposed findings and conclusions of fact or of law under § 2.21, and the right to appeal under § 2.23.

The trial examiner may, at any time the case is pending before him, at the request or with the consent of the parties, hold a conference or conferences for the settlement or simplification of the issues in the proceeding.

(b) Failure to file an answer or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) Admission in the answer, or admission by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission, the trial examiner and the Commission shall be deemed authorized, without further notice to respondent, to find the facts, to draw conclusions therefrom, and to enter an appropriate order.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of April 2, 1951, effective thirty days from date of publication in the FEDERAL REGISTER.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4220; Filed, Apr. 10, 1951; 8:52 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

DENTAL GOODS AND EQUIPMENT MANUFACTURING INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. 35) entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act. The currently effective wage determination (15 F. R. 382) was based upon information indicating that substantially all employees in the dental goods and equipment manufacturing industry (hereinafter referred to as the Industry) are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, as amended, and thus come under the minimum wage provisions of that act which require payment of a wage rate of not less than 75 cents per hour on and after January 25, 1950. The survey of selected dental goods and equipment manufacturing establishments made by the Bureau of Labor Statistics as of March 1950 (hereinafter referred to as the BLS survey) indicated that the 75 cent rate now in effect might not reflect the prevailing minimum wage in the industry. This proceeding was, therefore, initiated for the purpose of considering an amendment to the determination for the industry which will reflect the minimum wages now prevailing.

General. Notice of a hearing in this matter was published in the FEDERAL REGISTER (15 F. R. 4751). Copies of the notice and a press release announcing the hearing were mailed to trade associations, unions, and to individual companies in the industry. In addition, the press release was distributed to newspapers and trade publications.

This notice and release advised interested persons of the time and place at which they could appear and offer testimony: (1) As to what are the prevailing minimum wages in the industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to whether the definition of the industry should be amended to read as follows:

The durable goods branch of the dental goods and equipment manufacturing industry is defined as that industry which manufactures or furnishes any of the following products: Durable dental equipment, including but not by way of limitation, dental hand pieces, hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use; dental chairs; dental cabinets; dental equipment units; dental sterilizers; dental gas apparatus; dental X-ray equipment; dental compressors, engines and lathes; dental lights; dental laboratory equipment, other than laboratory furniture; and other durable dental goods.

The consumable goods branch of the dental goods and equipment manufacturing industry is defined as that industry which manufactures or furnishes any of the following products: consumable dental goods and supplies, including but not by way of limitation, dental anesthetics; dental gold and other precious metals; dental non-precious metals; dental alloy for amalgams; dental cement and filling materials; teeth, porcelain and gold; orthodontic appliances; waxes, compounds and investments; rubber dental materials; denture materials other than rubber; burrs, drills, and similar tools for use with dental handpieces; abrasive points, wheels and disks; and other consumable dental goods.

Copies of tables prepared from the BLS survey were made available to interested persons upon request.

The hearing was held on August 14, 1950, pursuant to the notice. Representatives of employees and employers appeared at the hearing to present evidence and testimony, and the record was kept open for a specified period beyond the close of the hearing for receipt of additional data and briefs.

Among others present at the hearing were representatives of the following: The American Federation of Labor; the United Electrical, Radio and Machine Workers of America; the Dental Manufacturers of America; the American Dental Trade Association; and Johnson & Johnson. In addition to the evidence and testimony presented at the hearing in support of their recommendations, the above parties submitted briefs for the record after the close of the hearing.

Definition of industry. In formulating the proposed definition of the industry the Department's staff consulted with representatives of the principal parties. The scope of the proposed definition differs only slightly from the scope of the currently effective definition, and the proposed changes are designed primarily to clarify the present definition of the industry. The only substantive change is the addition of dental anesthetics, which, according to the evidence available, are produced almost entirely by firms primarily in the dental goods and equipment manufacturing industry.

Johnson & Johnson urged that such of their products as dental sutures, dental floss, gauze and cotton, be expressly excluded from the definition. Although these products have never been considered to be within the scope of the proposed definition, to avoid possible misinterpretation, this definition is amended to exclude them specifically.

No opposition, other than the request of Johnson & Johnson, was directed toward the definition. The definition adopted for this amended determination is essentially the same as that contained in the notice of hearing, with the addition of a clause excluding dental sutures, dental floss, gauze and cotton from the scope of the definition.

3. *Minimum wage.* The basic data on minimum wages in the industry are contained in the BLS survey which was received as evidence at the hearing and was discussed by the various witnesses who testified. Neither the unions nor the employers questioned the adequacy of the coverage or the accuracy of the survey. The survey was limited to establishments employing 8 or more workers, and covered an estimated 83 percent of such establishments in the industry. The establishments covered employ approximately 95 percent of all plant workers in establishments with 8 or more employees in the industry. The data were tabulated for the United States as a whole, by regions, and for the durable goods branch and consumable goods branch separately. The most significant data are those showing the percentage distribution of straight-time earnings, plant minima, and distributions of plants (and of plant workers) according to the proportion of plant workers in each establishment earning less than specified amounts per hour.

Both the American Dental Trade Association and the Dental Manufacturers of America presented wage data based on surveys of their respective memberships. Although the surveys of the associations were not as extensive as the BLS survey, their wage data tend to corroborate the BLS data.

The American Federation of Labor urged that a minimum wage of $1.00 an hour be determined for the durable goods branch on the grounds that (1) only 11 percent of the workers receive wages below $1.00, (2) the first substantial cluster (4.5 percent) of rates occurs in the $1.00–1.049 wage interval, and (3) more than a third of the establishments employing approximately one-half of the workers pay no employee less than $1.00. The American Federation of Labor made no recommendation for the consumable goods branch. The United Electrical, Radio and Machine Workers (UE) urged a minimum of $1.05 (apparently for the entire industry) because two-thirds of all workers in the Industry received $1.05 or more.

The American Dental Trade Association and the Dental Manufacturers of America urged that a minimum of 75 cents an hour be determined for both the durable goods branch and consumable goods branch on the grounds that they believe the BLS survey shows 75 cents to be the prevailing minimum wage for both branches, and partly also because a number of establishments make products in both branches.

It is clear that a wide divergence exists between wage levels in the two branches of the industry. Wages paid by durable goods plants are considerably higher than those paid by consumable goods plants, the median rate being $1.46 for the former and $1.07 for the latter. These differences are conspicuous throughout the wage structure; for example, nearly 14 percent of the workers in the consumable goods branch receive less than 80 cents an hour as contrasted with 2.5 percent of the workers in the durable goods branch.

The associations urged that one minimum rate should be determined for the industry as a whole because a dual minimum rate would work a serious hardship on those firms producing both durable and consumable goods. The AFL, on the other hand, urged that separate rates be determined for the two branches. At the hearing the parties were requested to furnish information concerning the extent of overlap between the two branches. After the hearing the associations supplied a list of 12 plants that produce products of both branches. These plants represent only about one-eighth of the total number of plants and employ only about a fifth of the workers. Those of the 12 plants whose primary products are consumable goods employ a total of only 250 workers. In view of this relatively small amount of overlap and considering the sharply different wage levels prevailing in the two branches, I have concluded that the determination of the separate minimum wages is fully warranted. Not to do so would result in a failure to give proper weight to the wages in fact paid by the large majority of durable goods plants.

Considering first the durable goods branch, Table 8 (Exhibit L) of the BLS surveys shows that in this branch only 10 of the 29 plants (34.5 percent) pay $1.00 an hour or more to all plant workers (exclusive of learners and apprentices) and these plants employ less than half of the workers. On the basis of these figures it appears that 65.5 percent of the durable goods plants employing the majority of the workers would have to raise wages to meet even a $1.00 minimum, the lowest rate proposed by the unions. The record, accordingly, shows that the prevailing minimum wage is not as high as

$1.00. However, the record also clearly shows that in this branch the prevailing minimum is above 75 cents an hour. According to the statistical data in Table 8 considerably more than half (55.3 percent) of the durable goods plants employing more than half the workers (57.5 percent) have no experienced workers receiving less than 85 cents an hour. Roughly half the plants (48.3 percent) with 56.6 percent of the workers employ no experienced workers at hourly rates below 90 cents. A somewhat lesser proportion of the plants (44.9 percent) employ no experienced workers below 95 cents per hour. A rate of 90 cents an hour thus comes closest to representing the minimum rate paid by half of the plants in the branch, and these plants employ somewhat more than half of the total number of workers in the branch. Only 6.1 percent of the workers actually receive hourly wages of less than 90 cents, and the interval containing that rate includes a larger proportion of workers (2.5 percent) than any of the preceding intervals. After consideration of the entire record, I have concluded that the record supports a finding that 90 cents an hour is the prevailing minimum wage in the durable goods branch.

In the consumable goods branch, BLS Table 7 (Exhibit K) shows that 50.1 percent of the establishments employing 69 percent of the workers would have to raise some wages to meet an 80 cent minimum. Table 1 (Exhibit D) shows that more experienced workers (13.8 percent) received wages in the 75–79.9 cents interval than in any other 5 cent interval. After the hearing, the BLS furnished information that most of these workers received exactly 75 cents an hour and that 45 percent of the establishments employing 59.8 percent of the workers have a plant minimum of 75 cents or less. After consideration of the entire record, I have concluded that the record supports a finding that 75 cents per hour is the prevailing minimum wage in the consumable goods branch.

The BLS survey included separate data for only two regions, Middle Atlantic and Great Lakes. The survey shows that wages are slightly higher in the Great Lakes area than in the rest of the country. However, both the employers and employees urged that there be no regional wage differential. In view of the nation-wide scope of the market for products of the industry and the recommendation of all interested persons at the hearing, I find there is no need for a regional wage differential.

Table 4 (Exhibit H) shows that 11 establishments employ a total of 37 learners and only 12 of these employees receive wages below the proposed minima. Under these circumstances, there does not appear to be any common practice of employing learners at subminimum rates. The number of establishments which employ learners is so small and the number of learners which they employ below the proposed minima is so insignificant that provision for a subminimum rate for learners does not appear to be needed.

There is no evidence of abuse of the apprenticeship tolerance which has been in effect for the durable goods branch of the industry since the initial determination effective September 1941. In view of this, and the Department's established policy to encourage the development of the apprentice program, I find that it is reasonable to allow apprentices to be employed in the durable goods branch at wages below 90 cents an hour but not below 75 cents an hour: *Provided*, The employment conforms with standards of the Federal Committee on Apprenticeship.

The regulations (41 CFR 201.1102) permit employment of handicapped workers at subminimum rates on contract work under the act and this authorization was not an issue in the proceeding. It seems advisable to include in the determination, however, specific authorization for such employment.

Amendment of determination. After consideration of the entire record of this proceeding, the prevailing minimum wage determination for the dental goods and equipment manufacturing industry is hereby amended to read as follows:

§ 202.39 *Dental goods and equipment manufacturing industry*—(a) *Definition.* (1) The durable goods branch of the dental goods and equipment manufacturing industry is defined as that industry which manufactures or furnishes any of the following products:

Durable dental equipment, including but not by way of limitation, dental hand pieces, hand instruments, including forceps and pliers, broaches and cutting instruments for dental use; dental chairs; dental cabinets; dental equipment units; dental sterilizers; dental gas apparatus; dental X-ray equipment; dental compressors, engines and lathes; dental lights; dental laboratory equipment, other than laboratory furniture; and other durable dental goods.

(2) The consumable goods branch of the dental goods and equipment manufacturing industry is defined as that industry which manufactures or furnishes any of the following products:

Consumable dental goods and supplies, including but not by way of limitation, dental anesthetics; dental gold and other precious metals; dental nonprecious metals; dental alloy for amalgams; dental cement and filling materials; teeth, porcelain and gold; orthodontic appliances; dental waxes, compounds and investments; rubber dental materials; denture materials other than rubber; burrs, drills, and similar tools for use with dental handpieces; abrasive points, wheels and disks for dental use; and other consumable dental goods: *Provided however*, That the definition shall not include such products as: Dental sutures, dental floss, mouth wipes, cotton tips, cotton rolls, and gauze.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the durable goods branch of the dental goods and equipment manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 90 cents an hour arrived at either on a time or piece-rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the consumable goods branch of the dental goods and equipment manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 75 cents an hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* (1) Apprentices may be employed in the durable goods branch at wages below 90 cents an hour if their employment conforms to the standards of the Federal Committee on Apprenticeship; except that no apprentice may be employed at a rate lower than 75 cents an hour.

(2) Handicapped workers may be employed at wages below the minimum rates upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525), under section 14 of the Fair Labor Standards Act, as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations commenced on or after May 11, 1951.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38. Interprets or applies sec. 1, 49 Stat. 2036; 41 U. S. C. 35)

Signed at Washington, D. C., this 5th day of April 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51–4259; Filed, Apr. 10, 1951; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9572]

APPENDIX TO PART 3—ESTABLISHMENT OF A UNIFORM POLICY TO BE FOLLOWED IN LICENSING OF RADIO BROADCAST STATIONS CASES IN CONNECTION WITH CERTAIN VIOLATIONS

REPORT OF THE COMMISSION

In the matter of establishment of a uniform policy to be followed in licensing of radio broadcast stations cases in connection with violation by an applicant of

laws of the United States other than the Communications Act of 1934, as amended.

1. This report is issued by the Commission in connection with oral argument on the above-entitled matter presented to the Commission on April 24, 1950. The argument had been ordered on the Commission's own motion on January 25, 1950, and was originally scheduled to be heard on February 13, 1950, but was continued to April 24, 1950, upon petition of certain parties who requested additional time to prepare.

2. As pointed out in its notice of oral argument, the Commission had placed in its pending files certain broadcast applications on the grounds that the applicants and licensees had been found by a federal court to have violated laws of the United States relating to monopoly, restraint of trade, unfair competition and other matters. It was further pointed out in the notice that the Commission had not enunciated a policy to be followed in acting on broadcast applications where applicants were so involved. Accordingly, all interested parties were invited to file appearances accompanied by briefs or memoranda and present oral arguments thereon before the Commission en banc with particular reference to the following points:

1. The authority of the Commission to consider in its licensing of broadcast stations the fact that an applicant has violated a law of the United States, other than the Communications Act of 1934, as amended. If the Commission has such authority, is there any basis in policy for not considering such violation.[1]

2. If the Commission has such authority, should there be a difference in procedure or result in any of the following types of situations? In this connection consideration should be given to the situations involving both comparative hearings and non-comparative hearings:

(a) Whether the finding of the violation is in a civil or criminal case.

(b) Whether the finding of violation is by the United States Supreme Court or by a lower federal court.

(c) Where, after the finding of violation, a decree is entered by an appropriate court which results in the elimination of the practice which was a violation of federal law.

(d) Where there has been no finding of violation but a suit has been filed alleging a violation.

(e) Where there has been no finding of violation or no filing of suit, but the Commission is in possession of information which shows that there has been a violation of federal law.

3. Written briefs and statements were filed by the U. S. Department of Justice, 16 representatives of the broadcasting industry and other members of the public. The parties presented in their written statements much argument and information which have been helpful to the Commission in making a determination of the issues in this proceeding.

4. In approaching these issues, we are concerned with two basic considerations:

(1) Under the Communications Act of 1934, as amended, licensees are required by law to operate radio stations in the public interest.

(2) The Commission, in its licensing functions, is obligated to see that this legislative mandate is carried out and to encourage the larger and more effective use of radio in the public interest. It is in the light of these requirements that the problems presented here must be considered.

5. Sections 307 (a), 309 (a) and 310 (b) of the Communications Act provide that the Commission may grant applications only if the public interest, convenience or necessity will be served. No intelligent appraisal of applicants in terms of this standard can be made without an examination of the basic character qualifications of these applicants, and Congress, in section 308 (b) of the act, specifically gave the Commission authority and imposed upon it the duty to make such examination in evaluating applicants for radio facilities.

6. An important aspect of this examination is the conduct of the applicant. KFKB Broadcasting Association, Inc. v. Federal Radio Commission, 44 F. 2d 670. Obviously this does not include every phase of an applicant's behavior, but only that part which has some reasonable relationship to ability to operate a broadcast station in the public interest. As pointed out in Mansfield Journal Co. v. Federal Communications Commission, 180 F. 2d 28, 33, ". . . in determining whether a particular applicant should be permitted to operate so important and restricted a facility as a radio station . . . it is appropriate that the Commission examine pertinent aspects of the past history of the applicant."

7. We believe a pertinent part of this history would clearly include any violation of Federal law. We have in the past considered various types of unlawful conduct including violations of Internal Revenue laws, conspiracy to violate anti-trust laws, false advertising and other deceptive practices, in passing upon qualifications of applicants. In this respect we have been sustained by the Courts. In Mester et al. v. United States, et al., 70 F. Supp. 118, affirmed per curiam 332 U. S. 820, the U. S. District Court for the Eastern District of New York stated that the Commission might consider as one element of evaluation the applicant's flagrant disregard and violation of various U. S. Government regulations designed for public protection. In National Broadcasting Company v. United States, 319 U. S. 190, 222, the Supreme Court stated that the Commission is permitted to exercise its judgment as to whether violation of the antitrust laws disqualify an applicant from operating a station in the public interest; and "might infer from the fact that the applicant had in the past tried to monopolize radio, or had engaged in unfair methods of competition, that the disposition so manifested would continue and that if it did it would make him an unfit licensee." It must be concluded, therefore, that the Commission's authority to consider violation of Federal laws, other than the Communications Act of 1934, in evaluating applicants for radio facilities is well established and that a positive duty is imposed upon us to exercise this authority.

8. As the courts have held, by exercising such authority we are not encroaching upon the administrative and enforcement jurisdictions of other governmental agencies or the courts. Thus, in the above-mentioned National Broadcasting Company case we pointed out to the Court that in adopting the network regulations we were not attempting to apply the anti-trust laws as such, but were concerned only with practices violative of the anti-trust laws to the extent that they "had a bearing upon the matters which were entrusted to the Commission." The Supreme Court expressed its approval of this interpretation. In the Mester case, we were not attempting to impose penalties for violations of laws administered by the Federal Trade Commission and the Office of Price Administration, but rather considered such violations along with other conduct pertinent to a determination whether the applicant had the qualifications to operate a broadcast station as required by the Communications Act.

9. The contention has been made by parties in the proceeding that no blanket policy should be adopted by the FCC which would absolutely disqualify applicants for radio facilities where they are found to have violated a Federal law or which would attempt to specify the exact weight or significance to be given by the Commission to such violations. Such evaluations, it was argued, should be made only on a case-to-case basis in the light of the specific facts involved in and related to the violation. We are in general agreement with this contention. As mentioned above, the Commission must be satisfied that an applicant has the requisite qualifications to assure that public interest will be served by a grant of his application. This determination cannot be made on the basis of isolated facts but should include a careful, critical analysis of all pertinent conduct of the applicant. We believe that if an applicant is or has been involved in unlawful practices, an analysis of the substance of these practices must be made to determine their relevance and weight as regards the ability of the applicant to use the requested radio authorization in the public interest. We do not believe that the outcome of this determination should be prejudged by the adoption of any general rule forbidding any grant in all cases where unlawful conduct of any kind or degree can be shown. Nor do we believe that any rule could adequately prescribe what type of conduct may be considered of such a nature that in all cases it would be contrary to the public interest to grant a license.

10. While we have determined that no blanket policy should be enunciated, in view of the apparent confusion which has existed with respect to the subject of this proceeding, and the concern ex-

[1] While the notice of oral argument refers to laws of the United States only, the principles hereinafter set forth in this report also apply to other violations of law. Arguments of some parties to the proceeding related to the authority of the Commission with respect to violations of state and local laws as well as federal laws.

pressed by those whose interests have been or may be affected in the future, we believe it will be helpful to set forth what we think is the correct approach for properly determining on a case-to-case basis the weight to be given violations of Federal law other than the Communications Act. By so doing, we are not attempting to set up a "trick substitute" for the exercise of administrative discretion. With respect to the particular matter which is the subject of this Report, there is no easy formula or slide rule which can be used to give the answer to every such case that comes before us. We must and will decide each case on its individual merits. But in the interest of clarity, we are simply stating some of the factors which we believe should and must be considered before sound judgments can be made.

11. It has been urged upon us that the violation of a U. S. law per se raises no presumption adverse to an applicant. With this point of view we do not agree. Violations of Federal laws, whether deliberate or inadvertent, raise sufficient question regarding character to merit further examination. While this question as to character may be overcome by countervailing circumstances, nevertheless, in every case, the Commission must view with concern the unlawful conduct of any applicant who is seeking authority to operate radio facilities as a trustee for the public. This is not to say that a single violation of a Federal law or even a number of them necessarily makes the offender ineligible for a radio grant. There may be facts which are in extenuation of the violation of law. Or, there may be other favorable facts and considerations that outweigh the record of unlawful conduct and qualify the applicant to operate a station in the public interest. In all such cases, a matter of prime concern is whether the violation was committed inadvertently or wilfully. Innocent violations are not as serious as deliberate ones.

12. As has been suggested by parties in this proceeding, another matter of importance is whether the infraction of law is an isolated instance or whether there have been recurring offenses which establish a definite pattern of misbehavior. A single transgression of law, particularly if inadvertently committed, might raise little question with respect to qualifications, whereas a continuing and callous disregard for laws may justify the conclusion that the applicant cannot be expected in the future to demonstrate a responsible attitude toward his obligations as a broadcast licensee. In this connection, the matter of time is important. There necessarily must be more concern with recent violations than with those which occurred in the remote past and have been followed by a long period of consistent adherence to law and exemplary conduct on the part of the applicant. Cases which must be viewed with most critical scrutiny are those where the applicant has been involved in violations over a long period of time or is presently engaged in illegal practices. In all such cases a strong presumption of ineligibility is raised and a heavy burden of proof is imposed on the applicant to show he is qualified to operate a broadcast station in the public interest.

13. It is irrelevant to a determination of qualifications whether the finding of violation is in a civil or criminal case. In either case it is the conduct of the applicant and not the type of suit brought that is important. For as pointed out by the Department of Justice in its Memorandum, "while the bringing of a criminal case may sometime indicate a more flagrant and wilful disregard of the antitrust laws than does the filing of a civil complaint, so many factors enter into determination of the type of action to be brought that whether the suit was civil or criminal has little relationship to the question whether the defendant's acts were in deliberate disregard of the anti-trust laws or whether his violation was flagrant or persistent."

14. Furthermore, it is not the particular tribunal which makes the finding, but the finality of the decree which is significant. We see no logical basis for giving greater evidentiary weight in character determination to a final decree of the higher court than to that of a lower court from which no appeal was taken.

15. The question is presented as to what significance should be given to the fact that a suit alleging a violation of law has been filed against an applicant or where the Commission is in possession of facts showing that the applicant has violated the law but where there has been no final adjudication by an appropriate authority. The fact that suit has been instituted is not the important consideration. The questions raised and facts involved, however, may be of concern to the Commission. As hereinabove pointed out, the Commission has the authority to examine pertinent aspects of the past history of an applicant and this history, of course, includes any violation of Federal law. Even though no suit alleging illegal conduct has been filed, or if one has been filed but has not been heard or finally adjudicated, the Commission may consider and evaluate the conduct of an applicant in so far as it may relate to matters entrusted to the Commission. (See National Broadcasting Company v. United States, and Mansfield Journal Company v. Federal Communications Commission.

16. Thus far we have been discussing violations of Federal law in general. However, as indicated in the Notice of Oral Argument in this proceeding, violations of anti-trust laws have been the principal basis for the Commission's concern in this matter. Most of the parties who presented argument have at one time or another been the subject of prosecution or conviction under the Sherman Anti-trust laws and have filed applications for new or changed radio facilities upon which action has been postponed by the Commission pending a determination of this matter. We believe, therefore, that such violations deserve special treatment in this report.

17. Congressional concern with free competition in the broadcasting field is evident in the very explicit and specific provisions of sections 311 and 313 making the anti-trust laws applicable to broadcasting. This concern is amplified in the legislative history of these provisions. As the Supreme Court pointed out in Federal Communications Commission v. Pottsville Broadcasting Co., 309 U. S. 134, 137, Congress in setting up the Communications Act of 1934 "moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field." As the Supreme Court further pointed out in Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470, 478 (1940) "the act recognizes that the field of broadcasting is one of free competition." In that case the Court held that the act "expressly negatives" the idea of monopoly in the broadcasting field. It is clear from the legislative history of the Act and from various provisions therein that Congress conceived as one of the Commission's major functions the preservation of competition in the radio field and the protection of the public as against the private interest.

18. It has been argued that there is no need or basis for the Commission to disqualify applicants because they have been involved in violations of the anti-trust laws since the Commission has the means of preventing the growth of monopolistic practices in radio. Thus, it is contended that if we effectively enforce the duopoly and multiple ownership rules there can be no real danger of a monopoly developing in the broadcasting field. This argument misses the point of the discussion in this report. While it is true that enforcement of the Commission's multiple ownership rules can prevent any applicant from acquiring an excessive number of stations, there are many other monopolistic practices against which there are no rules. And while in the course of time, where such practices are discovered the Commission can adopt rules which might prevent recurrence of these monopolistic practices, the fact remains that such monopolistic practices might exist for a long period of time before they are discovered or corrected. During this period the existence of these restrictive practices can prevent the maximum development of broadcasting not only for that period but also for the future. It is well known that once certain practices develop, it is exceedingly difficult in applying corrective measures to restore the situation to the same healthy conditions that would have prevailed had not the restrictive conditions been permitted to arise at all. Thus, it is important that only those persons should be licensed who can be relied upon to operate in the public interest, and not engage in monopolistic practices. When passing upon applications of persons who have engaged in monopolistic practices in other industries, the Commission must be concerned as to whether such persons would also engage in monopolistic practices in radio if they were given a license. Their conduct in other fields is obviously a matter which the Commission must consider in determining whether they possess the requisite qualifications of a licensee.

19. Much of the argument in this proceeding related to the major motion picture companies who have violated the anti-trust laws over a period of years in the motion picture field. It is obvious from what we have already said that violation of the anti-trust laws by the motion picture companies is a matter that the Commission must consider carefully in determining the qualifications of these companies to operate in the public interest.

20. A somewhat related matter in so far as motion picture companies are concerned merits some discussion. It has come to the Commission's attention that many motion picture companies refuse to make copies of their films available for use by television stations. Similarly, restrictions are imposed by these companies as to the appearance of actors under contract to the studio on television programs and to the use on television of stories or plays whose rights have been acquired by the studio. We express no opinion at this time as to whether such practices are or are not in violation of the anti-trust laws. We do desire, however, to point out that whether or not these practices are a violation of any law they are considered by the Commission to be relevant in determining the qualifications of applicants utilizing such practices. It is obvious that the success of television will depend to a large measure on the ability of television stations to acquire the best available films and to utilize the best available talent and stories in their programs. Motion picture companies, of course, have the same interest. When a television station is owned by a licensee other than a motion picture company, it will compete vigorously with the motion picture companies to secure the best available films, talent and stories for use over his station. Where a television station is owned by a motion picture company which imposes restrictions on the use of films, talent or stories on television stations, obviously a conflict of interest is created and the conflict is likely to be resolved against the television station where the investment in the motion picture part of the enterprise is greater than in the television properties. In such a case, a serious policy question is presented as to whether the Commission fulfills its obligation to encourage the largest and most effective utilization of television in the public interest when it licenses the station to a person with an obvious conflict of interest which can prevent him from utilizing television to its utmost.

21. In this report we have attempted to discuss as clearly as possible what we consider to be basic matters of concern in this proceeding. For the benefit of the general public and in fairness to the parties in this proceeding as well as others who have applications pending and who may be making plans for further expansion in the broadcasting field we have set forth what we consider the primary principles which should guide us in making a case-to-case determination of these applications.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: March 28, 1951.

Released: March 29, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4165; Filed, Apr. 9, 1951; 8:31 p. m.]

PART 9—AERONAUTICAL SERVICES

POSTING STATION LICENSES AND TRANSMITTER IDENTIFICATION CARDS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of March 1951;

The Commission having under consideration the matter of amending § 9.118 of its rules governing aeronautical services in order to provide for the use of the FCC Form 452-C as a means of identifying aeronautical mobile stations;

It appearing, that a notice of proposed rule making under section 4 (a) of the Administrative Procedure Act is not required since the amendment herein ordered is not substantive in nature;

It is ordered, Under the authority contained in sections 4 (i), 301, 303 (r) and 309 of the Communications Act of 1934, as amended, that effective June 1, 1951, § 9.118 of the Commission's rules and regulations governing Aeronautical Services is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 309, 48 Stat. 1081, 1085; 47 U. S. C. 301, 309)

Adopted: March 28, 1951.

Released: March 28, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 9.118 *Posting station licenses and transmitter identification cards.* (a) The current authorization for stations at fixed locations in the aeronautical services shall be conspicuously posted at the place where the transmitter is located. In the event an authorization covers transmitters at several locations, the authorization shall be posted at one transmitter location and a photographic copy thereof shall be posted at all other transmitter locations. The photographic copy shall bear a notation of the location of the original authorization.

(b) The current authorization for aircraft radio stations may be posted or kept at a convenient easily accessible location in the aircraft.

(c) The current authorization for each land mobile station shall be retained as a permanent part of the station record, but need not be posted. An executive Transmitter Identification Card (FCC Form 452-C) shall be affixed to each land mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee.

(2) Station call signal assigned by the Commission.

(3) Exact location or locations of the transmitter records.

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

[F. R. Doc. 51-4277; Filed, Apr. 10, 1951; 8:48 a. m.]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA TOWERS AND/OR THEIR SUPPORTING STRUCTURES

FORM TO BE USED TO DESCRIBE PROPOSED ANTENNA STRUCTURES

In the matter of amendment of § 17.3 of the Commission's rules for the purpose of clarification and removing certain inconsistencies.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1951;

The Commission having under consideration § 17.3 of the Commission's rules concerning the construction, marking and lighting of antenna towers and/or their supporting structures which section specifies the form to be used to describe proposed antenna structures.

It appearing, that in its present form § 17.3 requires the filing of Form 401-A (revised) in many cases where the antenna would not exceed 20 feet in height. This requirement is inconsistent with the apparent intent of § 17.14 which exempts such antenna from special aeronautical study;

It further appearing, that the standard set forth in § 17.3 (a) (2) with respect to "height above ground for each 200 feet of distance from the boundary of any landing area" is inconsistent with other sections of Part 17 which indicate the correct standard should be "above the established airport elevation;"

It further appearing, that since it is not only desirable but in the public interest that these inconsistencies be eliminated and that since an amendment necessary to effectuate this end would be editorial rather than substantive in nature, the provisions with respect to notice of proposed rule making as set forth in section 4 (a) of the Administrative Procedure Act are not applicable;

It further appearing, that since the amendment serves to grant an exemption, it is not necessary to give 30-day notice prior to the effective date of the amendment;

It further appearing, that authority for the amendment is contained in sections 4 (i), 301, 303 (q), and 309 of the Communications Act of 1934, as amended;

It is ordered, That effective immediately § 17.3 of the Commission's rules

concerning the construction, marking and lighting of antenna towers and/or their supporting structures is amended to read as follows:

§ 17.3 *Form to be used to describe proposed antenna structures.* Applications for radio facilities shall be accompanied by FCC Form 401–A (revised) for services other than broadcast[1] when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed, or

(2) The antenna structures proposed to be erected will exceed an over-all height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 309, 48 Stat. 1081, 1082, 1085; 47 U. S. C. 301, 303, 309)

Adopted: March 28, 1951.

Released: March 29, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–4278; Filed, Apr. 10, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 655]

NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

On June 15, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 399, appointed Special Industry Committee No. 8 for Puerto Rico (hereinafter called the "Committee") and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the needlework and fabricated textile products industry in Puerto Rico (hereinafter called the "industry"), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the needlework and fabricated textile products industry, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the industry in Puerto Rico, the Committee filed with the Administrator a report containing (a) its recommendation that the industry be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its recommendation for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industry.

Pursuant to notice published in the FEDERAL REGISTER on October 20, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C. on November 15 and 16, 1950, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I, as Administrator, have concluded that the recommendations of the Committee for minimum wage rates in the needlework and fabricated textile products industry and its divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 8 for Puerto Rico for Minimum Wage Rates in the Needlework and Fabricated Textile Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 7029), that I propose to approve the recommendations of the Committee for the industry and to revise the regulations contained in this part to read as set forth below in order to carry such recommendations into effect. Interested parties may submit written exceptions within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
655.1 Approval of recommendations of industry committee.
655.2 Wage rates.
655.3 Notices of order.
655.4 Definitions of the needlework and fabricated textile products industry in Puerto Rico and its divisions.

AUTHORITY: § 655.1 to 655.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 655.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 655.2 *Wage rates.* (a) (1) Wages at a rate of not less than 21 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the woven and knitted fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the woven and knitted fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in machine operating or in operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 29 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the woven and knitted fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in operations other than hand sew-

[1] FCC Form 301, Section V–G (antenna) shall be submitted with all broadcast applications.

ing, machine operating, and operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(b) (1) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 52 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in machine operating, or in any operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 29 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in operations other than hand sewing, machine operating, and operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(c) (1) Wages at a rate of not less than 21 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 34 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(d) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cotton underwear and infants' underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cotton underwear and infants' underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, stamping, machine operating, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(e) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the infants' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the infants' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(f) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlepoint division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, embroidering and embellishing by hand and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlepoint division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, stamping, sorting, finishing, and packing, and who is engaged in commerce or in the production of goods for commerce.

(g) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the household art linen division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the household art linen division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, ribboning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(h) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handkerchief and square scarf division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handkerchief and square scarf division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, ribboning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(i) (1) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the children's dresses division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 31 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the children's dresses division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing,

and who is engaged in commerce or in the production of goods for commerce.

(j) Wages at a rate of not less than 33 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the corsets, brassieres, and allied garments division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(k) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crochet slipper division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(l) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crochet beading division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(m) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the bullion embroidery division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(n) Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the corde and bonnaz embroidery and corde handbag division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(o) (1) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the women's blouses, dresses, and neckwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the women's blouses, dresses, and neckwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(p) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fur garment division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(q) (1) Wages at a rate of not less than 21 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

§ 655.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the needlework and fabricated textile products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 655.4 *Definition of the needlework and fabricated textile products industry in Puerto Rico and its divisions.* (a) The needlework and fabricated textile products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture from any material of all apparel and apparel furnishings and accessories may by the knitting, crocheting, cutting, sewing, embroidering or other processes, and the manufacture of all textiles and textile products except the manufacture of hooked rugs and products or activities included in the following industries in Puerto Rico as defined in the wage orders for such industries: The shoe manufacturing and allied industries, the textile and textile products industry, the button, buckle, and jewelry industry, the hosiery industry, the hairnet industry, the artificial flower industry, the men's and boys' clothing and related products industry, and the handicraft products industry. This definition includes, but without limitation, handkerchiefs, scarves and mufflers; gloves; women's, misses', girls' and infants' outerwear, underwear, and nightwear; women's and misses' corsets and allied garments; millinery; handbags (except handbags made by hand out of raffia, maguey, straw, or similar materials); household art linens; needlepoint; embroideries and trimmings; curtains, draperies, and bedspreads; and miscellaneous fabricated textile products.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Woven and knitted fabric glove division.* The term woven and knitted fabric glove division shall mean the manufacture of all gloves and mittens from woven or knitted fabrics.

(2) *Leather glove division.* The term leather glove division shall mean the manufacture of all gloves and mittens from leather or from leather in combination with woven or knitted fabrics.

(3) *Silk, rayon and nylon underwear division.* The term silk, rayon and nylon underwear division shall mean the manufacture, from any woven or knitted fabric except cotton or from any woven or knitted fabric containing a mixture of cotton and other fibers, of women's, misses' and children's underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

(4) *Cotton underwear and infants' underwear division.* The term cotton underwear and infants' underwear division shall mean the manufacture from cotton of women's, misses' and children's underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles, and the manufacture of underwear and nightwear for infants under three years of age.

(5) *Infants' wear division.* The term infants' wear division shall mean the manufacture of dresses, rompers, creepers, sportswear and play apparel, for infants under three years of age.

(6) *Needlepoint division.* The term needlepoint division shall mean the manufacture of needlepoint on canvas or other material.

(7) *Household art linen division.* The term household art linen division shall mean the manufacture of household art linens including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, sheets, pillow cases, and towels.

(8) *Handkerchief and square scarf division.* The term handkerchief and square scarf division shall mean the manufacture of plain, scalloped or ornamented handkerchiefs and square scarves.

(9) *Children's dresses division.* The term children's dresses division shall

mean the manufacture of dresses for children over three years of age.

(10) *Corsets, brassieres, and allied garments division.* The term corsets, brassieres, and allied garments division shall mean the manufacture of corsets, brassieres, brassiere pads, girdles, sanitary belts, foundation garments, and similar items.

(11) *Crochet slipper division.* The term crochet slipper division shall mean the manufacture of slippers, slipper socks, mukluks, and similar types of footwear (except infants' bootees) made by a crocheting or knitting process.

(12) *Crochet beading division.* The term crochet beading division shall mean the embroidery of any article by a crochet beading process and all operations directly incidental to such embroidery.

(13) *Bullion embroidery division.* The term bullion embroidery division shall mean the manufacture of emblems and insignia made of bullion embroidery and the embroidery of any other articles with bullion threads and all operations directly incidental to such embroidery.

(14) *Corde and bonnaz embroidery and corde handbag division.* The term corde and bonnaz embroidery and corde handbag division shall mean the manufacture of corde handbags, corde plates for handbags, and other articles or trimmings made on a bonnaz embroidery machine.

(15) *Women's blouses, dresses, and neckwear division.* The term women's blouses, dresses and neckwear division shall mean the manufacture of women's and misses' blouses, waists, dresses, smocks, aprons, neckwear (including collar and cuff sets) and scarves (except square scarves).

(16) *Fur garment division.* The term fur garment division shall mean the manufacture of fur coats and other fur garments, accessories and trimmings.

(17) *Miscellaneous division.* The term miscellaneous division shall mean all products and activities included in the needlework and fabricated textile products industry, as defined in paragraph (a) of this section, which are not included in any of the other divisions of the industry as defined in this section.

Signed at Washington, D. C., this 6th day of April 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-4301; Filed, Apr. 10, 1951; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 11, 16]

[Docket No. 9898]

RELAY STATIONS IN THE INDUSTRIAL AND LAND TRANSPORTATION RADIO SERVICES

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of a new policy on licensing of relay stations in the Industrial and land transportation radio services, Parts 11 and 16, respectively; Docket No. 9898.

The Commission having on February 7, 1951 adopted a notice of proposed rule making in the above-entitled matter in which March 21, 1951 was set as the time within which comments were to be filed and April 2, 1951, as the last day for filing comments in reply to the original ones;

It appearing, that two of the interested parties have petitioned the Commission for waiver of the March 21, 1951 closing date in order to enable them to file their comments; and

It further appearing, that since such waivers have been granted, it is desirable to extend the time within which comments or briefs in reply to original comments or briefs may be filed, the authority for which is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, This 29th day of March 1951, that the time within which to file such reply comments or briefs in the above-entitled matter be extended to April 16, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4279; Filed, Apr. 10, 1951; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR, Part 122]

ORGANIZATION OF BANKS

ELECTION OF DIRECTORS OF FEDERAL HOME LOAN BANKS

APRIL 5, 1951.

Resolved that, pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108), it is proposed to amend the provisions contained in Part 122 of the Regulations for the Federal Home Loan Bank System (24 CFR Part 122) under the subheading "Directors", in the particulars as hereinafter set forth.

Resolved further that a hearing will be held on May 15, 1951 at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue, N. W., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the Regulations for the Federal Home Loan Bank System, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are received by the Secretary to the Home Loan Bank Board on or before May 10, 1951, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said regulations.

a. Section 122.21 to be amended to read as follows:

§ 122.21 *Election.* Eight directors of each Bank will be elected in accordance with the provisions of §§ 122.21 to 122.45.

b. Section 122.26 to be amended to read as follows:

§ 122.26 *Notification of nomination and classification.* The Board will adjust the lines of class demarcation of members every four years or more often if it deems such action desirable. Before August 1 of each year, the Board will divide the member institutions into groups A, B, and C on the basis of the size of the members as determined, as of the May 31 immediately preceding said August 1, from the aggregate unpaid principal of each member's home mortgage loans appearing on the most recent annual report of the member in the possession of its Bank or on the most recent financial statement of a member in the possession of its Bank in the event such Bank holds no annual report of such member. The Board will then notify each member not later than August 1 of each year of its right to nominate and of its classification and will furnish each member with a list of the members in its class and a list of those holding directorships at that time in the Bank of which it is a member, reflecting each class directorship and each directorship-at-large and containing the name of each director, the date of expiration of the term of each director, the name and address of the member institution of which each class director is an officer or director and his title, the name and address of the institution with which each director-at-large is affiliated and his title, or, if not affiliated with an institution, his present or former occupation and the city and State of which he is a bona fide resident. At the same time each member will be furnished with a copy of these Regulations governing the nomination and election of Bank directors and the necessary nominating certificate and will be notified of each directorship to be filled from the membership-at-large and of each directorship to be filled in its class.

c. Section 122.27 to be amended to read as follows:

§ 122.27 *Nominating certificates.* Upon receipt of the nominating certificate each member, by resolution of its governing body, may nominate, or authorize one of its directors and one of its officers to nominate, a suitably qualified person for each directorship to be filled in its class and each directorship to be filled from the membership-at-large. The certificate shall then be duly executed and mailed to the Secretary to the Board, so as to be delivered to his office in Washington, D. C., not later than August 31.

d. Section 122.28 to be amended to read as follows:

§ 122.28 *Notification to nominees.* A letter will be forwarded to each nominee under registered mail so as to reach his address, as shown by the Board's records, before September 9, informing him of his nomination: *Provided, however,* No such letter shall be forwarded to any nominee holding a class directorship or a directorship-at-large whose term does not expire until after the close of the calendar year during which the election is being held or to any nominee holding a public interest directorship, unless the Secretary to the Board has received from him before September 1 notice of his intention to be a candidate for a class directorship or directorship-at-large. With such letter each such nominee will be forwarded a list of nominees reflecting the directorship or directorships for which each was nominated, a copy of these Regulations governing the nomination and election of Bank directors and a questionnaire which will contain, among other things, a request for a brief biography and questions to ascertain whether the nominee is eligible for the directorship for which he has been nominated and whether he is willing to serve if elected. Such questionnaire must be completely filled in and mailed so as to be delivered to the office of the Secretary to the Board not later than September 15 in order for the nominee to have his name placed on an election ballot. No candidate shall be eligible for election to a directorship unless he is nominated and his name placed on an election ballot pursuant to the provisions of this section and § 122.29.

e. Section 122.30 to be amended to read as follows:

§ 122.30 *First election ballots.* On or before October 1, the Board will mail to each member the first election ballots which will contain in alphabetical order the name of each candidate for each directorship to be filled in its class and from the membership-at-large who has complied with the provisions of §§ 122.28 and 122.29. Each ballot for a class directorship will also reflect the title of each candidate and the name and address of the member institution of which he is an officer or director. Each ballot for a directorship-at-large will also reflect the title of each candidate and the name and address of the institution with which he is affiliated or, if not affiliated with an institution, his present or former occupation and the city and state of which he is a bona fide resident. In the event a candidate for a directorship-at-large is affiliated with an institution which is not a member of the Bank such fact will be recorded on the ballot.

f. Section 122.35 to be amended to read as follows:

§ 122.35 *Declaration and notification of first election results.* Upon determining the results of the first election ballots, the Board will declare elected the candidates who should be declared elected in accordance with the provisions of §§ 122.21 to 122.45. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will also furnish each Bank member the results of the first election ballots and advice as to any directorship or directorships which are to be subject to a final election. The results of the first election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received, the number of members eligible to vote for the directorship for which he was a candidate and the candidate declared elected. Upon the request of a candidate the Board will furnish him with the number of votes each candidate received for the directorship for which he was a candidate and the number of members eligible to vote for the directorship for which he was a candidate.

g. Section 122.36 to be amended to read as follows:

§ 122.36 *Final election ballots.* On or before November 15, the names of the two highest candidates for each directorship not filled will be placed on final election ballots and such ballots forwarded to the members entitled to vote for such directorships: *Provided, however,* That in the event more than two candidates receive the same number of votes for a directorship and such number is greater than the votes of any of the other candidates for such directorship, the names of all said candidates receiving an equal number of votes shall be placed on the final election ballot: *Provided further,* That in the event one candidate receives more votes than any other candidate for the directorship and the next highest number of votes for the directorship is held by two or more candidates, the names of all said candidates receiving the two highest number of votes for the directorship shall be placed on the final election ballot. There will be shown on each final election ballot the same information with respect to each candidate which will be shown on each first election ballot with respect to each candidate as set forth in § 122.30.

h. Section 122.38 to be amended to read as follows:

§ 122.38 *Declaration and notification of final election results.* Upon determining the results of the final election ballots, the Board will declare elected the candidates receiving the highest number of votes. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will furnish each Bank member with the results of the election of directors for that Bank. The results of the final election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received, the number of members eligible to vote for the directorship for which he was a candidate and the candidate declared elected. Upon the request of a candidate the Board will furnish him with the number of votes each candidate received for the directorship for which he was a candidate and the number of members eligible to vote for the directorship for which he was a candidate.

i. Section 122.40 to be amended to read as follows:

§ 122.40 *Mailing of nominating certificates and balloting material.* All nominating and balloting material sent to members shall be forwarded by regular mail, except that such material sent to members in Puerto Rico, the Virgin Islands, Alaska, and Hawaii shall be forwarded by airmail. Each Bank will be furnished with copies of all nominating certificates, ballots and other election material which has been forwarded to its members.

(Sec. 17, 47 Stat. 736, Pub. Law No. 576, 81st Cong., appr. June 27, 1950; Reorg. Plan No. 3, 1947, 12 F. R. 4981, 3 CFR 1947 Supp., 61 Stat. 954, 12 U. S. C. 1437, 5 U. S. C. 133y–16. Construes and applies Sec. 7, 47 Stat. 730, as amended, 49 Stat. 294, 12 U. S. C. 1427)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 51–4269; Filed, Apr. 10, 1951; 8:48 a. m.]

[24 CFR, Part 145]

UNSECURED LOANS

PERMITTING LARGER LOANS GUARANTEED OR INSURED BY FEDERAL HOUSING ADMINISTRATION OR VETERANS' ADMINISTRATION

APRIL 5, 1951.

Resolved, that pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108), an amendment to § 145.8 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.8), as hereinafter set forth, is hereby proposed.

Resolved further, that a hearing will be held on May 15, 1951, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendment of the rules and regulations for the Federal Savings and Loan System, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendment which are received by the Secretary to the Home Loan Bank Board on or before May 10, 1951, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendment of the said rules and regulations.

Paragraph (b) of said § 145.8 *Unsecured loans*, shall be amended to read as follows:

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement (except business loans provided by section 503 of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, and not secured by lien on real estate) without the security of a lien upon such property: *Provided*, That:

(1) The net proceeds of any such loan do not exceed $1,500;

(2) The property is located in such association's regular lending area as defined in § 145.6–6;

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 15 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 5 years;

And provided further, That any such loan for property alteration, repair, or improvement that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, may be made for such amount and repayable upon such terms and within such period as are acceptable to the insuring or guaranteeing agency: *Provided*, That no Federal association may make any unsecured loan to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except for the alteration, repair, or improvement of the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

(Sec. 5 (a), 48 Stat. 132, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp., 61 Stat. 954; 12 U. S. C. 1464 (a), 5 U. S. C. 133y–16)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51–4268; Filed, Apr. 10, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

MARCH 23, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Sacramento, California, land district, embracing approximately 2,247.5 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 268

For lease and sale for homesites only:

T. 27 S., R. 39 E., M. D. M.,
Sec. 22, E½NE¼, SW¼NE¼, SE¼NW¼NE¼, S½SW¼NW¼NE¼, W½NW¼, NW¼NE¼NW¼, N½SW¼NE¼NW¼, S½SE¼SE¼NW¼ and S½.
T. 27 S., R. 40 E., M. D. M.,
Sec. 6, S½NE¼, SE¼NW¼, E½SW¼NW¼, SE¼, E½SW¼, E½NW¼SW¼, E½SW¼SW¼, SW¼NW¼SW¼SW¼, W½SW¼ of SW¼SW¼.
Sec. 7, S½N½, SW¼.
Sec. 14, E½W½.
Sec. 18, N½NE¼, NW¼, S½SW¼, N½SW¼SE¼, SW¼SW¼SE¼.
Sec. 19, W½.

Leases for tracts in irregular subdivisions will not be issued until supplemental plats have been prepared dividing these irregular areas into tracts.

The lands are situated in eastern Kern County, California, near the Naval Testing Station known as the Inyokern Base. They are easily accessible from paved roads. They are in an area known as Indian Wells Valley and the nearest town is Ridgecrest, California. They are in an area where homesites are in demand because of the expanding activities at the large Naval Testing Station nearby.

2. As to applications regularly filed prior to 9:00 a. m., March 12, 1951, and are for the type of site for which the lands are classified, this order shall become effective upon the date it is signed.

3. As to the lands not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., May 25, 1951. At that time such lands shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., May 25, 1951, to close of business on August 23, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., March 12, 1951, to 10:00 a. m., May 25, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., August 24, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., March 12, 1951, to 10:00 a. m., August 24, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to all existing range improvements, such as fences, and to all existing rights-of-way. They will also be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Sacramento, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51–4267; Filed, Apr. 10, 1951; 8:47 a. m.]

Defense Electric Power Administration

[Delegation of Authority 1]

DELEGATION OF AUTHORITY WITH RESPECT TO EXERCISE OF FUNCTIONS AND POWERS UNDER NPA ORDER M-50

The functions and powers of the Defense Electric Power Administration described in Order M-50 of the National Production Authority (16 F. R. 2880) may be performed and exercised by the following officers of this agency:

a. In their entirety by the Chief of the Materials and Equipment Division; or

b. By the Chief of the Materials and Equipment Requirements Branch as to the authorization to use and to order program materials for major plant additions; and

c. By the Chief of the Maintenance, Repair and Operating Requirements Branch as to the establishment and adjustment of MRO quotas, and of program material quotas for minor requirements, and as to quantity adjustments or exceptions to inventory restrictions.

JAMES F. FAIRMAN,
Acting Administrator,
Defense Electric Power Administration.

APRIL 10, 1951.

[F. R. Doc. 51-4352; Filed, Apr. 10, 1951; 11:16 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9514]

CROSLEY BROADCASTING CORP. (WINS)

ORDER CONTINUING HEARING

In re application of the Crosley Broadcasting Corporation (WINS), New York, New York, Docket No. 9514, File No. BMP-4758; for extension of completion date.

It appearing that it would be to the mutual advantage of the applicant, the Hearing Examiner and the Commission Counsel to continue the hearing in the above-entitled proceeding, presently scheduled to commence on April 16, 1951, in Washington, D. C., to April 30, 1951; and

It further appearing that the other parties to the proceeding have consented to this continuance;

It is therefore ordered, This 30th day of March 1951 that the hearing on the application of The Crosley Broadcasting Corporation (WINS), New York, New York, for extension of completion date, is hereby continued to April 30, 1951, and shall commence on that date at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4281; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket Nos. 9615, 9616]

VALLEY BROADCASTING CO. (KLOK) AND CHARLES E. SALIK (KCBQ)

ORDER ADVANCING HEARING

In re applications of E. L. Barker, Claribel Barker, T. H. Canfield and Opal A. Canfield, d/b as Valley Broadcasting Company (KLOK), San Jose, California, Docket No. 9615, File No. BP-7400; for construction permit; Charles E. Salik (KCBQ), San Diego, California, Docket No. 9616, File No. BML-1392; for modification of license.

The Commission having under consideration a petition filed March 16, 1951 by the Valley Broadcasting Company (KLOK), San Jose, California, requesting that the hearing on the above-entitled applications be advanced from April 30 to April 23, 1951, in order that the general manager of Station KLOK, Mr. E. L. Barker, who will be in Chicago to attend the NAB Convention (April 15-19, 1951) may continue on to Washington, D. C. to testify, thus avoiding additional traveling expense and also thereby allowing him time to attend a Food and Appliance Show which KLOK is sponsoring in San Jose during the period April 26-29, 1951; and

It appearing that the time for filing opposition to this petition has elapsed and none has been received, and that Commission Counsel and Counsel for the other applicant (KCBQ) have agreed to advancing the date of the hearing;

It is therefore ordered, This 30th day of March 1951, that the petition of the Valley Broadcasting Company (KLOK) be and it is hereby granted and the hearing herein is hereby advanced and shall commence at 10:00 a. m., on April 23, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4282; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket No. 9692]

ST. JOSEPH VALLEY BROADCASTING CORP. (WJVA)

ORDER CONTINUING HEARING

In re application of St. Joseph Valley Broadcasting Corporation (WJVA), South Bend, Indiana, Docket No. 9692, File No. BR-1877; for renewal of license.

The Commission having under consideration the above-entitled application presently scheduled to be heard on April 12, 1951, at South Bend, Indiana;

It is ordered, This 28th day of March 1951, on the Commission's own motion, that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Tuesday, May 1, 1951, at South Bend, Indiana.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4280; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket No. 9301]

CHARLES H. CHAMBERLAIN

ORDER SCHEDULING HEARING

In re application of Charles H. Chamberlain, Bellefontaine, Ohio, Docket No. 9801, File No. BP-7675; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1951;

The Commission having under consideration a petition filed by Charles H. Chamberlain requesting leave to amend, and requesting reconsideration and grant of his above-entitled application for a new standard broadcast station in Bellefontaine, Ohio;

It appearing, that Examiner Jack Blume, who has been duly designated to preside at the hearing on the said application, has granted so much of the petition as requests leave to amend, referring the remainder to the Commission en banc; and

It further appearing, that the Commission is not satisfied on the basis of the showing made by the petitioner that there will not be mutually objectionable interference involved between the proposal of Charles H. Chamberlain and stations WKJG, Ft. Wayne, Indiana, and WING, Dayton, Ohio;

It is ordered, That the petition is hereby denied insofar as it requests a grant and that the above-entitled proceeding is scheduled for hearing at the Commission's offices in Washington, D. C., commencing at 10:00 a. m. on May 25, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4285; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket No. 9884]

CIRCLE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Circle Broadcasting Corporation, Hollywood, Florida, Docket No. 9884, File No. BP-7750; for construction permit.

The Commission having under consideration a petition, filed by the applicant herein on March 23, 1951, requesting a 45-day continuance of the hearing now scheduled for April 3, 1951; and

It appearing from the petition that the issues specified by the Commission order of January 17, 1951, apprised the applicant of possible objectionable interference to Cuban Station CMCI under the proposed North American Regional Broadcasting Agreement and that the applicant hence desires to seek a different frequency and needs additional time in which to complete the engineering data so as to file a petition for leave to amend the application and for removal of the application as amended from the hearing docket; and

It further appearing, that there are no other parties to this proceeding and

that Commission Counsel has not objected to a postponement of the hearing as herein ordered, and that a grant of the instant petition will conduce to the orderly dispatch of the Commission's business:

Now therefore, it is ordered, This 30th day of March 1951, that the petition for postponement of the hearing is granted, and the hearing now scheduled for April 3, 1951, is continued to 10:00 a. m. on Wednesday, May 23, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4283; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket Nos. 9936, 9900]

CAPITOL RADIO ENTERPRISES AND RADIO CALIFORNIA

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Irving James Schwartz, William Stephen George, John Matranga and Samuel A. Melincoe, d/b as Capitol Radio Enterprises, Sacramento, California, Docket No. 9936, File No. BP-7998 and Knox LaRue and Arnold C. Werner, d/b as Radio California, Sacramento, California, Docket No. 9900, File No. BP-7736; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1951;

The Commission having under consideration the above-entitled application of Capitol Radio Enterprises requesting a construction permit for a new standard broadcast station to be operated on the frequency 1380 kilocycles, with a power of 1 kilowatt, using a directional antenna, daytime only, at Sacramento, California;

It appearing, that the above-entitled application of Radio California for a permit to construct a new standard broadcast station to be operated on the frequency 1380 kilocycles, with a power of 500 watts, daytime only, in Sacramento, California, was designated for hearing February 7, 1951, primarily because of interference with existing stations and because it might not comply with the standards of Good Engineering Practice, said hearing being scheduled to commence at 10:00 a. m. on May 2, 1951, at Washington, D. C.;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnerships and their partners to operate the proposed facilities.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of February 7, 1951, designating for hearing the application of Radio California is amended to include Issues 1, 3, 5 and 7 set forth above and to include the application of Capitol Radio Enterprises.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4284; Filed, Apr. 10, 1951; 8:49 a. m.]

AMENDMENT TO ORDER ESTABLISHING SAFETY AND SPECIAL RADIO SERVICES BUREAU

ENFORCEMENT FUNCTIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1951;

It appearing, that the Commission heretofore on the 29th day of June 1950, issued an order establishing safety and special radio services bureau, effective July 31, 1950; and

It further appearing, that under the terms of paragraph C of that order, various functions are designated to be performed within the immediate Office of the Chief of the Bureau; and that under the terms of paragraph D of that order an "Enforcement Unit" is established within the immediate Office of the Chief of the Bureau "to carry on the following enforcement functions * * *"; and

It further appearing, that uncertainty has arisen as to the availability of the "Enforcement Unit" as a part of the immediate Office of the Chief to carry on certain aspects of the functions of that Office other than the specified "enforcement functions";

It is ordered, That paragraph D of the aforesaid order shall be amended to read as follows:

D. The immediate office of the Chief of the Bureau shall include a unit to carry on the following enforcement functions:

1. To plan in cooperation with the divisions comprising the Bureau the enforcement program for the Safety and Special Radio Services.

2. To evaluate citations to determine whether a recommendation should be made to suspend or revoke licenses or to impose other sanctions.

3. To represent the Bureau and to coordinate with the Office of the General Counsel in those cases where prosecution is deemed necessary.

In addition, such unit shall be available, as required by the Chief of the Bureau, to assist in the performance of legal aspects of the functions set forth in paragraph C above, insofar as such functions affect more than one Division of the Bureau, or are concerned with matters affecting the Bureau generally. The unit shall be available on request of the Bureau Chief or the Division Chiefs to assist, confer with or advise such Division Chiefs or their designated representatives with respect to their general legal and regulatory problems. The unit shall also be available to execute special assignments related to more than one Division.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4286; Filed, Apr. 10, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 459]

UNION ELECTRIC COMPANY OF MISSOURI

NOTICE OF APPLICATION FOR AMENDMENT TO LICENSE

APRIL 5, 1951.

Public notice is hereby given that Union Electric Company of Missouri, of Saint Louis, Missouri, Licensee, for major Project No. 459, has made application, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a-825r) for amendment to license to authorize construction, installation, operation and maintenance of two generating units (Nos. 7 and 8) of 33,500 horsepower together with associated equipment; a high voltage substation and connections with existing transmission lines; to be located at the Osage Power Plant of the licensee on the Osage River.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted on or before the 11th day of May 1951, to the Federal Power Commission, Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4245; Filed, Apr. 10, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25987]

CLAY BETWEEN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

APRIL 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 809.

Commodities involved: Clay, kaolin or pyrophyllite, crude, washed, shredded or ground, carloads.

Between: Points in southern territory.

Grounds for relief: Circuitous routes and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4261; Filed, Apr. 10, 1951; 8:46 a. m.]

[4th Sec. Application 25988]

ALL FREIGHT FROM NEW YORK TO MEMPHIS AND NEW ORLEANS

APPLICATION FOR RELIEF

APRIL 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: All commodities, in mixed carloads.

From: New York, N. Y.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Competition with motor carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4262; Filed, Apr. 10, 1951; 8:47 a. m.]

[No. 30785]

VIRGINIA INTRASTATE COAL RATES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 3d day of April A. D. 1951.

It appearing, that in Ex Parte No. 115, Emergency Freight Charges, 1935, 208 I. C. C. 4, 223 I. C. C. 657, and 229 I. C. C. 435; Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33, 270 I. C. C. 81, 93, and 403; and Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made:

It further appearing, that a petition dated February 28, 1951, has been filed on behalf of the Atlantic Coast Line Railroad Company and other common carriers by railroad operating to, from, and between points in the State of Virginia, averring that the State Corporation Commission of Virginia by various orders, has refused to authorize or permit petitioners to establish for the intrastate transportation of coal upon their railroads in Virginia increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceedings cited; such refusals being alleged in the manner and to the extent as stated in the said petition dated February 28, 1951, which petition so filed is referred to for greater certainty;

It further appearing, that petitioners allege that the refusal of the said State Corporation Commission of Virginia to permit the increases on intrastate traffic referred to in the preceding paragraph causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce on the one hand and interstate commerce on the other hand, and undue, unreasonable and unjust discrimination against interstate commerce, in violation of sections 13 and 15a of the Interstate Commerce Act:

It further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Virginia;

And it further appearing, that the State Corporation Commission of Virginia on March 26, 1951, filed a reply to said petition, and that the investigation hereinafter instituted responsive to the requirements of section 13 is without prejudice to subsequent appropriate consideration on their merits of the arguments made in said reply:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Virginia for the intrastate transportation of coal, made or imposed by authority of the State of Virginia, cause by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings cited, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Virginia subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Virginia be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the State Corporation Commission of Virginia at Richmond, Va.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4260; Filed, Apr. 10, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1301]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of April A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 17, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4251; Filed, Apr. 10, 1951; 8:46 a. m.]

[File No. 30-223]

NIAGARA HUDSON POWER CORP.

NOTICE REGARDING FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of April A. D. 1951.

Notice is hereby given that Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, has filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting the Commission to enter an order declaring that Niagara Hudson has ceased to be a holding company under said act.

The application states that pursuant to the Commission's order dated August 25, 1949, as supplemented by its order dated September 7, 1950, approving the Dissolution Plan of Niagara Hudson pursuant to section 11 (e) of the act, and the order of the United States District Court for the Northern District of New York dated November 4, 1949, and the supplemental order of said court dated September 28, 1950, approving said plan, Niagara Hudson has made distribution of its assets and was dissolved on December 21, 1950.

Notice is further given that any interested person may, not later than April 13, 1951, at 5:30 p. m., e. s. t., request the Commission in writing, that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 13, 1951, said application may be granted without hearing unless good cause therefor shall be shown.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4248; Filed, Apr. 10, 1951; 8:45 a. m.]

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

NOTICE OF FILING OF AMENDMENT TO PLAN AND NOTICE OF AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of April A. D. 1951.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, Dempseytown Gas Company, Alum Rock Gas Company, Penn-Western Service Corporation (applicants), File No. 54-177; Pennsylvania Gas & Electric Corporation and its subsidiary companies (respondents), File No. 59-91.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, having heretofore filed with the Commission a plan of liquidation and dissolution and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act"), and the Commission in its notices of filing and orders for hearing issued July 27, 1949 (Holding Company Act No. 9253) and November 10, 1950 (Holding Company Act Release No. 10214), having summarized the terms of the said plan, and having ordered hearings thereon; and hearings having been held from time to time and having been continued subject to the call of the Hearing Officer or the Commission;

Notice is hereby given that Penn Corp and certain of its subsidiary companies have filed, pursuant to section 11 (e) of the act, a further amendment to Penn Corp's plan providing, generally, for a change in the proposed allocation of Penn Corp's assets among its various classes of preferred and common stocks.

Summarized below are the proposals contained in the amendment insofar as they differ from those summarized in the Commission's notice of filing and order for hearing issued November 10, 1950:

Penn Corp will make distributions of its assets to its security holders as follows:

(a) To the holders of Penn Corp's $7.00 and 7 percent cumulative preferred stocks, 420,000 shares of the proposed new $5 par value capital stock of North Penn Gas Company ("North Penn"), a registered holding company and a public utility subsidiary of Penn Corp. on the basis of 14 shares thereof for each share of preferred stock of Penn Corp, together with a cash payment per share determined at the rate of $7 annually from December 31, 1950 to the date of consummation of the plan.

(b) To the holders of Penn Corp's Class A common stock, for each share thereof, one-fourth share of the proposed new capital stock of North Penn, or a total of approximately 28,056 shares.

(c) To the holders of Penn Corp's Class B common stock, cash in the amount of ten cents per share of such stock or a total of $22,406.70. The shares of such Class B common stock held in the treasury of Penn Corp will not participate and will be cancelled.

The proposed allocation would result in the distribution of approximately 93.7 percent of the new capital stock of North Penn to the preferred stockholders of Penn Corp. and approximately 6.3 percent thereof to the Class A common stockholders of Penn Corp.

No fractional shares of North Penn capital stock will be issued. Each holder of more than 20 shares of Penn Corp's Class A common stock, if entitled to a fractional share, will be paid for such fraction in cash or may purchase an additional fraction entitling him to receive an additional full share of North Penn stock. Each holder of less than 20 shares of Penn Corp's Class A common stock may purchase an additional amount of North Penn stock sufficient to entitle him to receive five full shares, or will be paid in cash for all of the North Penn stock to which he is entitled under the plan. Purchases and sales of North Penn stock and fractions thereof, as aforesaid, will be made on the basis of a settlement price to be specified in the order of the District Court of the United States to which application will be made to enforce and carry out a plan approved by the Commission.

It appearing to the Commission that it is appropriate in the public interest that notice should be given and a hearing held with respect to said amended plan:

It is ordered, That the hearings in these consolidated proceedings be reconvened on April 24, 1951 at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date, the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. In the event that amendments to the plan are filed during the course of such proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to be heard or otherwise

wishing to participate in the proceedings, who has not heretofore entered an appearance herein, is directed to file with the Secretary of the Commission on or before April 20, 1951 a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Penn Corp, North Penn, to the Federal Power Commission, the New York Public Service Commission, and the Pennsylvania Public Utility Commission, and to all persons who have heretofore entered an appearance herein; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list of this Commission for releases under the act, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Penn Corp shall give further notice of this hearing to all of its security holders (insofar as the identity of such security holders is known or available to Penn Corp) by mailing to each of said persons at his last known address, at least 10 days before the date set for hearing, a statement setting forth in brief the amended proposals and a statement of the time, date and place of the public hearing. Such statement shall be submitted to the Commission for review prior to the mailing.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-4247; Filed, Apr. 10, 1951; 8:45 a. m.]

[File No. 70-2576]

POTOMAC EDISON CO. AND WEST PENN ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING JOINT APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of April A. D. 1951.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, and its direct subsidiary, the Potomac Edison Company ("Potomac"), a registered holding company and a public utility company, having filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act") and certain rules and regulations promulgated thereunder proposing, among other things, the issuance and sale by Potomac, pursuant to the competitive bidding requirements of Rule U-50, of $10,000,000 principal amount of First Mortgage and Collateral Trust Bonds __ percent series due 1981;

The Commission by order dated March 26, 1951, having granted the application and permitted the declaration to become effective subject to the condition, among others, that the proposed issuance and sale of bonds by Potomac should not be consummated until the results of competitive bidding, pursuant to Rule U-50, had been made a matter of record in this proceeding and a further order entered with respect thereto, and jurisdiction having been reserved in that order over the payment of fees and expenses to be incurred in connection with the proposed transactions; and

Potomac on April 4, 1951, having filed an amendment to said joint application-declaration in which it is stated that Potomac, pursuant to the competitive bidding requirements of Rule U-50, has received the following bids with respect to the proposed issue of its new bonds:

Bidding group headed by—	Annual interest rate (percent)	Price to company (percent of principal) [1]	Annual cost to company (percent)
Equitable Securities Corp.	3⅜	100.559	3.34534
Halsey, Stuart & Co., Inc.	3⅜	100.45991	3.35058
Kuhn, Loeb & Co. and Blyth & Co., Inc.	3⅜	100.10	3.36968

[1] Exclusive of accrued interest from Apr. 1, 1951.

The amendment having further indicated that Potomac has accepted the bid of Equitable Securities Corporation, as set out above, and that said bonds will be offered for sale to the public at a price of 101.421 percent of their principal amount, plus accrued interest from April 1, 1951, resulting in an underwriting spread of 0.862 percent of the principal amount of the bonds or an aggregate of $86,200; and

Said joint application-declaration as amended further stating that the estimated fees and expenses to be incurred and paid by applicants-declarants in connection with the proposed transactions amount to approximately $85,000, including fees of $1.850 and out-of-pocket expenses of $270 to Price, Waterhouse & Co., New York, N. Y., for accounting services; fees of $6,000 (of which $5,850 is to be borne by Potomac and $150 by West Penn Electric), and out-of-pocket expenses of $100 to Sullivan & Cromwell, New York, N. Y., counsel for applicants-declarants; and said application-declaration as amended also stating that a fee of $5,000 is to be paid by the purchasers of the bonds to Cahill, Gordon, Zachary & Reindel, their counsel: and it appearing that such fees and expenses are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and observing no basis for imposing terms and conditions with respect to the price to be paid for said bonds and the proposed underwriters' spread in connection therewith;

It is ordered, That the jurisdiction heretofore reserved, with respect to the matters to be determined as a result of competitive bidding in connection with the sale of the new bonds under Rule U-50 and with respect to fees and expenses, be, and the same hereby is, released, and that the said joint application-declaration of Potomac, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-4246; Filed, Apr. 10, 1951; 8:45 a. m.]

[File No. 70-2578]

WORCESTER COUNTY ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of April A. D. 1951.

Worcester County Electric Company ("Worcester County"), a subsidiary of New England Electric System, a registered holding company, having filed an application and amendments thereto pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder with respect to the issue and sale by Worcester County at competitive bidding of $12,000,000 principal amount of its First Mortgage Bonds, Series B, dated March 1, 1951, and maturing March 1, 1981;

The Commission, by order dated March 26, 1951, having granted said application, including the request of the applicant that for the purposes of this proceeding the ten-day period for the invitation of bids as prescribed by Rule U-50 be shortened to a period of not less than six days, all subject to the condition that the proposed issue and sale should not be consummated until the results of competitive bidding with respect thereto had been made a matter of record and a further order entered on the basis thereof, and subject to a reservation of jurisdiction with respect to legal, engineering, accounting and auditing fees and expenses;

Worcester County having filed an amendment setting forth the action taken in offering said bonds at competitive bidding and stating that on April 3, 1951, the following bids were received:

Bidder	Annual interest rate (percent)	Price to company (percent of principal) [1]	Annual cost to company (percent)
Halsey, Stuart & Co. Inc.	3¼	100.633	3.21695
Kuhn, Loeb & Co.	3¼	100.35	3.23169
The First Boston Corp.	3¼	100.1599	3.24162
Merrill Lynch, Pierce, Fenner & Beane	3¼	100.111	3.24418

[1] Exclusive of accrued interest from Mar. 1, 1951.

Said amendment further stating that Worcester County has accepted the bid of Halsey, Stuart & Co., Inc. and that the bonds will be issued to the public at an initial price of 101.54 percent of their principal amount, plus accrued interest, resulting in an underwriting spread of .907 percent of the principal amount of the bonds or an aggregate of $108,840;

Said amendment further setting forth the legal, engineering, accounting, and auditing services rendered and disbursements made, for which requests for compensation or reimbursement in the following amounts have been received by Worcester County:

Choate, Hall & Stewart:	
Counsel for the underwriters, payable by the underwriters:	
Fee	$6,000.00
Disbursements	500.00
Lybrand, Ross Bros. & Montgomery, independent public accountants, payable by Worcester County:	
Fee	5,700.00
Jackson & Moreland, engineers, payable by Worcester County:	
Fee	9,323.25
Expenses	596.90

The Commission having considered the record as supplemented and finding no reason for imposing terms and conditions with respect to the price to be received for said bonds and the interest rate thereon, the redemption prices thereof, or the underwriter's spread, and finding that the fees and expenses over which jurisdiction was reserved are not unreasonable; and it appearing appropriate to the Commission to release the jurisdiction heretofore reserved herein and to grant applicant's request that the order herein become effective upon issuance:

It is ordered, That the jurisdiction reserved in our order of March 26, 1951, herein, be and hereby is released, and that said application, as amended, be and hereby is granted, effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-4252; Filed, Apr. 10, 1951; 8:46 a. m.]

[File Nos. 70-2587, 70-2588]

OKLAHOMA GAS AND ELECTRIC CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of April 1951.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, and Standard's subsidiary, Oklahoma Gas and Electric ("Oklahoma"), have filed applications-declarations and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"). Oklahoma designates section 6 (b) of the act and Rule U-43 promulgated thereunder and Standard designates sections 9 (a) and (c) of the act as applicable to the following transactions proposed by said companies:

Oklahoma proposes to issue and sell for cash 215,380 shares of its authorized and unissued Common Stock, par value $10 per share, through the issuance to the holders of its outstanding Common Stock of record at the close of business on April 5, 1951, full share Subscription Warrants carrying the right to subscribe for shares of such Common Stock on the basis of one share for each ten shares of Common Stock held at a price of $19.75 per share ("subscription price"). The Subscription Warrants will expire at 2:00 p. m., c. s. t., on April 24, 1951.

In lieu of the issuance of Subscription Warrants for fractional shares, Oklahoma will mail, as soon as practicable, to each shareholder whose record ownership of Common Stock on the record date is not divisible by ten, a check in an amount equal to one tenth of the difference between the subscription price and the average of the closing prices on the New York Stock Exchange of the Common Stock during the subscription period for each share of Common Stock owned of record on the record rate by such shareholder which was not part of a ten share unit for which a Subscription Warrant was issued.

In addition, each shareholder entitled to receive full share Subscription Warrants will be given the privilege of subscribing at the same subscription price per share for any additional number of shares not subscribed for through the exercise of the aforesaid Subscription Warrants, subject to pro rata allotment of such additionally subscribed shares. The over-subscription privilege will not be extended to Standard but any shares which remain unsubscribed upon the expiration of the subscription and over-subscription privileges may be subscribed for by Standard at the same subscription price.

The shares of the Common Stock being offered will not be entitled to the dividend on Common Stock which the Board of Directors of Oklahoma is expected to declare payable April 30, 1951, to holders of record at the close of business April 5, 1951.

Oklahoma proposes to pay 12½ cents per share to any security dealer, who is a member of the National Association of Security Dealers, Inc. and who assists a stockholder of record in exercising his Subscription Warrant. However, no compensation will be paid for obtaining the exercise of the privilege to subscribe for additional shares and the amount payable on account of the subscription of any one stockholder is to be limited to $25 irrespective of the number of shares subscribed. The maximum amount of fees payable to dealers is $10,100.

Of the 2,153,800 outstanding shares of Common Stock of Oklahoma, Standard owns 1,210,090 shares, which represent 34.54 percent of the voting control of Oklahoma. Under the terms of the proposed offering, Standard will receive and proposes to exercise Subscription Warrants for 121,009 full shares of additional Common Stock of Oklahoma. Standard further proposes to subscribe for those shares, if any, of the proposed offering which remain unsubscribed upon the expiration of the aforesaid Subscription Warrants and over-subscription privilege.

Standard, in connection with the proposed transactions, has agreed that the shares of Common Stock of Oklahoma to be acquired will be held subject to the provisions of the Commission's order of August 8, 1941, issued pursuant to section 11 (b) (1) of the act directing, among other things, that Standard divest itself of its holdings in Oklahoma, as if such shares were specifically included in such order.

Oklahoma estimates that the total fees and expenses to be incurred by it in connection with the proposed transactions will not exceed $27,500 (exclusive of any fees paid to security dealers), including counsel fees of $6,000 to the firm of Flynn, Clerkin & Hansen and $3,000 to the firm of Rainey, Flynn, Green & Anderson. Standard estimates that its fees will not exceed $1,250, of which $1,000 is payable to the firm of Flynn, Clerkin & Hansen, as counsel fees.

The Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission have each issued an order authorizing the proposed issuance and sale of common stock by Oklahoma.

Said applications-declarations having been filed on March 5, 1951, and said amendments thereto having been filed on March 14 and April 4, 1951, and notice of the filing of the applications-declarations having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to the said applications-declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said applications-declarations, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that the estimated fees and expenses are not unreasonable, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the applications, as amended, be granted and that the declarations, as amended, be permitted to become effective, and that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that said applications-declarations, as amended, be, and the same hereby are, granted and permitted to become effective forthwith.

It is further ordered, That the Commission's order of August 8, 1941, the effect of which is to require Standard to sever its relationship with Oklahoma by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of

the act or of the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued by Oklahoma, shall be deemed to require the disposition of any shares of Common Stock, par value $10 per share, of Oklahoma acquired by Standard hereunder, with the same force and effect as if said shares had been held by Standard as of the date of the said order.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-4250; Filed, Apr. 10, 1951; 8:45 a. m.]

[File No. 812-410]

NEWMONT MINING CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in the city of Washington, D. C., on the 5th day of April A. D. 1951.

Notice is hereby given that Newmont Mining Corporation (Applicant) of 14 Wall Street, New York, N. Y., a closed-end non-diversified management company registered under the Investment Company Act of 1940, has filed an application pursuant to Rule N-17D-1 of the general rules and regulations under the act regarding proposed amendments to Applicant's pension plan to be adopted upon approval by Applicant's stockholders. The proposed transaction would involve participation by affiliated persons of a registered investment company (Applicant) in a pension plan in which such registered investment company (Applicant) is a participant, and the participation of such affiliated persons in said plan of said registered investment company (Applicant) would be prohibited by Rule N-17D-1 (the amount set aside annually by Applicant pursuant to such plan not being computed upon the basis of a percentage of its payroll) unless an application regarding such plan has been filed with the Commission and has been granted by order entered prior to the submission of such plan to security holders for approval, or prior to the adoption thereof, if not so submitted.

It appears from the application that the proposed amendments involve: (a) The inclusion in the plan of Newmont Exploration Limited, a wholly owned subsidiary of Applicant; (b) the substitution of the date January 1, 1951 for the date January 1, 1946 for determining the amounts of pensions; (c) an increase in the maximum pension payable to any employee from $6000 per year to $12,000; and (d) a change in the named contingent beneficiary provisions to give each participant the right to convert the pension otherwise payable to such participant to a joint and survivor pension of equal actuarial value, in which either the said joint and survivor pension, or, at the participant's prior election, two-thirds of the said joint and survivor pension will be payable to the survivor. It appears that the single lump sum increase to provide additional past service benefits due to the amendments will aggregate $481,500 of which $312,000 will relate to the additional past service benefits for officers and directors of the Applicant. It also appears that the normal annual cost of the plan for the year 1951 will by reason of the proposed amendments be $41,800, an increase of $4,200, and that all of said increase will relate to benefits for officers and directors of the Applicant. It further appears that the plan is, and as proposed to be amended will be, qualified under section 165 of the Internal Revenue Code as nondiscriminatory.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after April 16, 1951, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 13, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4249; Filed, Apr. 10, 1951; 8:45 a. m.]

EDWIN HAWLEY CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of April 1951.

In the matter of Edwiin Hawley, Edwin Riley Hawley, or E. R. Hawley, doing business as Edwiin Hawley Co., Hotel Adams, Central Avenue and Adams Street, Phoenix, Arizona.

I. The Commission's public official files disclose that:

A. Edwiin Hawley, also known as Edwin Riley Hawley and E. R. Hawley, doing business as Edwiin Hawley Co., a sole proprietorship, hereinafter referred to as Hawley, filed an application for registration as a broker and dealer, pursuant to section 15 (b) of the Securities Exchange Act of 1934, on September 25, 1945. Registration became effective on October 12, 1945 and is still in effect pursuant to the said application.

B. Hawley filed an application for registration as an investment adviser, pursuant to section 203 (c) of the Investment Advisers Act of 1940, on March 27, 1946. Registration became effective on April 26, 1946, and is still in effect pursuant to the said application.

C. Hawley represents in each of the said applications, as amended, that his principal office is located at the Hotel Adams, Central Avenue and Adams Street, Phoenix, Arizona, and that his residence is located at 645 North Fourth Avenue, Phoenix, Arizona.

II. A. A member of its staff has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that Hawley no longer maintains any office at the Hotel Adams, Central Avenue and Adams Street, Phoenix, Arizona, and no longer maintains a residence at 645 North Fourth Avenue, Phoenix, Arizona.

B. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, stating that Hawley did not file a report of his financial condition during the calendar year 1950 pursuant to Rule X-17A-5 prescribed under section 17 (a) of the Securities Exchange Act of 1934.

III. The information reported to the Commission as set forth in section II hereof, if true, tends to show:

A. That Hawley violated section 15 (b) of the Securities Exchange Act of 1934 and Rule X-15B-2 prescribed by the Commission under said section, in that the representations in his application for registration as a broker and dealer with respect to the location of his principal office and his residence address are not now accurate and in that Hawley has not amended such application to correct such representations.

B. That Hawley violated section 17 (a) of the Securities Exchange Act of 1934, in that he failed to file a report of his financial condition for the calendar year 1950 as required by Rule X-17A-5 prescribed by the Commission under said section.

C. That Hawley violated section 207 of the Investment Advisers Act of 1940 in that the representations in his application for registration as an investment adviser with respect to the location of his principal office and his residence address are not now true and in that Hawley has not amended such application to correct such representations.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements referred to in section II hereof are true;

(b) Whether Hawley has wilfully violated section 15 (b) of the Securities Exchange Act of 1934 and Rule X-15B-2 prescribed by the Commission under the said section;

(c) Whether Hawley has wilfully violated 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 prescribed by the Commission under said section;

[1] Filed as a part of the original document.

(d) Whether Hawley has violated section 207 of the Investment Advisers Act of 1940, in that he wilfully made untrue statements of material facts in his application for registration as an investment adviser and wilfully omitted to state in such application material facts required to be stated therein;

(e) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke the registration of Hawley as a broker and dealer;

(f) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend registration of Hawley as a broker and dealer;

(g) Whether, pursuant to section 203 (d) of the Investment Advisers Act of 1940, it is in the public interest to suspend the registration of Hawley as an investment adviser, and

(h) Whether, pursuant to section 203 (d) of the Investment Advisers Act of 1940, it is in the public interest to revoke the registration of Hawley as an investment adviser.

V. *It is hereby ordered*, That Hawley be given an opportunity for hearing as set forth in section IV hereof on the 14th day of May 1951, at the main office of the Securities and Exchange Commission located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before May 7, 1951. Upon completion of any such hearing in this matter, the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event that Hawley does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on Hawley personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 14, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4253; Filed, Apr. 10, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17571]

CAROLINE KATRINA MAIER THUN ET AL.

In re: Claim against the Treasurer of the Commonwealth of Pennsylvania by Caroline Katrina Maier Thun et al. File No. D-28-2167; E. T. sec. No. 2834.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Rosa Fuchs, nee Bertsch; Karl Heinrich Bertsch; Richard Greis; Luise Katharine Karoline Bertsch, nee Kirchner; Rosa Erika Rapp, nee Bertsch; Margot Luise Dammbacher, nee Bertsch; Karl Friedrich Bertsch; Friederike Rosine Berthold, nee Bertsch; Maria Luise Kinkel; Wilhelm Bertsch; Friederike Maria Schweizer, divorced Appenrodt, nee Bertsch; Friederike Sofie Nuttscheller, nee Bertsch; Elisabeth Dorothea Metzger, nee Maier; Lina Frida Laucher (remarried), widowed Wohlleber, nee Wagner; Guenter Karl Wohlleber; Gustav Albrecht Wohlleber; Rosa Anna Martin, nee Wohlleber; Elsa Neuffer, nee Wohlleber; Gertrud Appenzeller, nee Wohlleber; Walter Emil Wohlleber; Anna Mogler, nee Wohlleber; Emilie Rosine Weidenbach, and Gottlieb Friedrich Weidenbach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Three-eighths (3/8ths) of the sum deposited with the Treasurer of the Commonwealth of Pennsylvania pursuant to an order of the Orphans' Court of Philadelphia County, Pennsylvania, entered on June 21, 1943, in the matter of the Estate of Christian Maier, deceased, and any and all additions thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above subject to lawful fees and disbursements of the Treasurer of the Commonwealth of Pennsylvania.

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4238; Filed, Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17558]

MATHILDE HECK

In re: Estate of Mathilde Heck, deceased, File D-28-12364; E. T. sec. 16565.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Roth, also known as Maria Anna Roth, Matthias Heck, Andreas Heck, Mathilde Geipert, Emilie Bachmann, Elise Sparwasser, Kaethe Dick, Gertrud Rose and Mathilde Ultes, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Mathilde Heck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Joseph Heck, as Substitutionary Administrator, c. t. a., acting under the judicial supervision of the Monmouth County Court, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4287; Filed, Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17582]

KATE EBELING

In re: Funds owned by Kate Ebeling. F-28-30567.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kate Ebeling, whose last known address is Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., for the credit of Kate Ebeling, said funds identified under Certificate of Settlement Number 0-607-704 (U. S. Treasury Department [Miscellaneous Items]) and in the amount of $113.68, as of September 30, 1948, presently maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks," together with any and all accruals since September 30, 1948, and any and all rights to demand, enforce and collect the aforesaid funds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4289; Filed Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17584]

LUDWIG AND HERTA GERBER

In re: Stock owned by Ludwig Gerber and Herta Gerber. F-28-31133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Gerber and Herta Gerber, whose last known address is Gut Waterhovel b/Hagen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty (30) shares of common capital stock of Eastman Kodak Company, 343 State Street, Rochester, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered NC0158189 for 27 shares, NC0158172 for 2 shares and NC0158159 for 1 share, registered in the name of Rush & Co., and presently in the custody of the Federal Reserve Bank of New York, New York, New York, together with all declared and unpaid dividends thereon, and

b. Forty-nine (49) shares of common capital stock of The National Cash Register Company, Main and K Streets, Dayton, Ohio, a corporation organized under the laws of the State of Maryland, evidenced by certificates numbered 0125057 for 25 shares, 0125063 for 20 shares and 0125061 for 4 shares, registered in the name of Rush & Co., and presently in the custody of the Federal Reserve Bank of New York, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ludwig Gerber and Herta Gerber, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4290; Filed, Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17585]

CERTAIN GERMAN NATIONALS

In re: Bank account owned by German nationals whose names are unknown. F-63-3046.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof is being held by the Swiss Bank Corporation, 15 Nassau Street, New York, New York, for the account of C. G. Duft,

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons who, if individuals, there is reasonable cause to believe are residents of Germany and, if partnership, corporation, association or other business organization, there is reasonable cause to believe are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, 15 Nassau Street, New York, New York, arising out of an account entitled "C. G. Duft" maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4291; Filed, Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17592]

WILHELM ROGMANN ET AL.

In re: Cash owned by Wilhelm Rogmann and others. D-28-12990-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Rogmann, Franz Rogmann, Maria Schult, Harry Rogmann and Bruno Rogmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of Herman Koppelow, 169-10th Avenue, San Francisco 18, California, arising by reason of receipt of that share of sale proceeds of real estate allocable to Johann H. R. Rogmann, also known as John Rogman, deceased, pursuant to a declaration of trust dated November 5, 1926, for the benefit of contractholder claimants against Yuba Vineyards and Orchards Company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Wilhelm Rogmann, Franz Rogmann, Maria Schult, Harry Rogmann and Bruno Rogmann, the foresaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4296; Filed, Apr. 10, 1951; 8:51 a. m.]

[Vesting Order 17594]

KENROKU YOSHIWARA

In re: One sealed envelope and contents owned by Kenroku Yoshiwara. F-39-3682.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenroku Yoshiwara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: All property of any nature whatsoever owned by Kenroku Yoshiwara, located in a sealed envelope presently in the custody of Hotel Marcy, West End Avenue at 95th St., New York, New York, and any and all rights of said person evidenced or represented by such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4297; Filed, Apr. 10, 1951; 8:51 a. m.]

[Return Order 932]

DUSOLINA QUEIROLO CUNEO ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Dusolina Queirolo Cuneo, Correglia Ligure, Genova, Italy, Claim No. 33757, Valerio Cuneo, Correglia Ligure, Genova, Italy, Claim No. 46456; Maria Cuneo, Correglia Ligure, Genova, Italy, Claim No. 46457; January 6, 1951 (16 F. R. 219); $7,831.86 in the Treasury of the United States to Dusolina Queirolo Cuneo. All right, title, interest and claim of any kind or character whatsoever of Dusolina Queirolo Cuneo, Valerio Cuneo, and Maria Cuneo, and each of them, in and to the trust created under the will of Vittorio Cuneo, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4298; Filed, Apr. 10, 1951; 8:52 a. m.]

MARTHA WESTFAL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Martha Westfal, New York, New York, Claim No. 5570; $6,062.78 in the Treasury of the United States.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4299; Filed, Apr. 10, 1951; 8:52 a. m.]